

MINUTES

Ordinary Council Meeting

24 March 2020

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 24 March 2020 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

26 March 2020

Acknowledgement of Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjul kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past and present.

Our Guiding Values



Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

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Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 24 March 2020.

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 7.01pm.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

Como Ward
Como Ward
Manning Ward
Manning Ward
Moresby Ward
Mill Point Ward
Mill Point Ward

Councillor Carl Celedin
Councillor Glenn Cridland
Councillor Blake D'Souza
Councillor André Brender-A-Brandis
Councillor Stephen Russell
Councillor Mary Choy
Councillor Ken Manolas

Officers

Chief Executive Officer
Director Corporate Services
Director Development and Community Services
Director Infrastructure Services
Manager Governance
Governance Coordinator
Governance Officer

Mr Geoff Glass
Mr Colin Cameron
Ms Vicki Lummer
Mr Mark Taylor
Ms Bernadine Tucker
Ms Toni Fry
Ms Mieke Wevers

Gallery

There were approximately 5 members of the public present.

4.1 APOLOGIES

Councillor Samantha Bradder

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- Councillor Carl Celedin disclosed an Impartiality Interest in relation to Item 10.7.2 as he was a social member of the Manning Bowling Club in 2017.
- Councillor Glenn Cridland disclosed an Impartiality Interest in relation to Item 10.7.3 as his daughter plays tennis at the Hensman Park Tennis Club.
- Councillor Mary Choy disclosed an Impartiality Interest in relation to Item 10.7.3 as her children have previously attended tennis lessons at the Hensman Park Tennis Club and are likely to again in the future and they also attend a local school which may use their services and facilities.
- Councillor Ken Manolas disclosed an Impartiality Interest in relation to Item 15.1.1 as he accepted a \$273.00 gift from the South Perth Hospital for himself and his partner to attend their Christmas Dinner in 2019.
- Mayor Greg Milner disclosed an Impartiality Interest in relation to Item 15.1.1 as he accepted a \$273.00 gift from the South Perth Hospital for himself and his partner to attend their Christmas Dinner in 2019.
- Councillor Glenn Cridland disclosed an Impartiality Interest in relation to Item 15.1.1 as he accepted a \$200.00 gift from the South Perth Hospital for himself and his partner to attend their Christmas Dinner in 2017.
- Councillor Mary Choy disclosed an Impartiality Interest in relation to Item 15.1.1 as a doctor who works near the carpark at the local South Perth Hospital is known to her.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The Presiding Member advised that the responses to previous public questions taken on notice are available in the Appendix of these Minutes.

Councillor Blake D'Souza departed the Chamber at 7.20pm during Public Question Time and returned at 7.22pm.

6.2 PUBLIC QUESTION TIME: 24 MARCH 2020

The Presiding Member opened Public Question Time at 7.05pm.

Written questions were received prior to the meeting from:

- Ken McIntosh of Hensman Park Tennis Club, Anstey Street South Perth
- Sarah Schladow of Garden Street South Perth
- Sam Parr of Hobbs Avenue Como (Preamble)

At 7.20pm the Presiding Member called for a Motion to extend Public Question Time to read out those questions not yet heard.

0320/019

COUNCIL DECISION

Moved: Mayor Greg Milner

Seconded: Councillor Glenn Cridland

That in accordance with Clause 6.7 of the City of South Perth Standing Orders Local Law 2007, Public Question Time be extended to hear those questions not yet heard.

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

- Sam Parr of Hobbs Avenue Como (Questions and Responses)
- Stephen Winter of Coode Street Como

The questions and responses can be found in the **Appendix** of these Minutes.

There being no further questions, the Presiding Member closed Public Question Time at 7.28pm.

7. CONFIRMATION OF MINUTES

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 25 February 2020

0320/019

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Councillor Blake D'Souza

That the Minutes of the Ordinary Council Meeting held 25 February 2020 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 17 March 2020

Officers of the City presented background information and answered questions on Items to be considered at the 24 March 2020 Ordinary Council Meeting at the Council Agenda Briefing held 17 March 2020.

Attachments

7.2.1 (a): Council Agenda Briefing Notes - 17 March 2020

7.2.2 Concept Briefings and Workshops

Officers of the City and/or Consultants provided Councillors with an overview of the following matters at Concept Briefings and Workshops:

Date	Subject
3 March 2020	Business Unit Briefing – Stakeholder and Customer Relations
6 March 2020	Wembley Mini-Golf Tour
9 March 2020	Local Planning Strategy Briefing
	Parking Strategy and Plan Workshop
10 March 2020	Plan drives Budget – Workshop 1

0320/020

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Blake D'Souza
Seconded: Councillor Stephen Russell

That Council notes the following Council Briefings/Workshops were held:

- 7.2.1 Council Agenda Briefing - 17 March 2020
- 7.2.2 Concept Briefings and Workshops

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Agenda Briefing held 17 March 2020.

8.4 COUNCIL DELEGATES REPORTS

Nil.

8.5 CONFERENCE DELEGATES REPORTS

Nil.

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised that with the exception of the items identified to be withdrawn for discussion, the remaining reports, including the Officer Recommendations, will be adopted by exception resolution (i.e. all together) as per Clause 5.5 Exception Resolution of the Standing Orders Local Law 2007.

The Chief Executive Officer confirmed all report items were discussed at the Council Agenda Briefing held 17 March 2020 with the exception of the following items:

- 10.3.6 City of Melville's Proposed Modifications to the Canning Bridge Activity Centre Plan
- 10.4.5 Health Amendment Local Law
- 10.7.5 Compliance Audit Return
- 10.7.6 Annual Review of Council Delegations
- 10.7.7 Annual Policy Review
- 10.7.8 Draft Local Planning Policy - Exempt Land Use - Consent to Advertise
- 10.7.9 Audit Register - Progress Report
- 10.7.10 Internal Audit - Facilities Management

ITEMS WITHDRAWN FOR DISCUSSION

Item 10.0.1	Collier Park Golf Course Business Plan
Item 10.3.3	Proposed Change of Use from Single House to Use Not Listed (Holiday House), Lot 352, No. 7 Vista Street, Kensington
Item 10.7.6	Annual Review of Council Delegations
Item 10.7.7	Annual Policy Review
Item 15.1.1	Burch Street Carpark

The Presiding Member called for a motion to move the balance of reports by Exception Resolution.

0320/021

COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That the Officer Recommendations in relation to the following Agenda Items be carried by exception resolution:

- Item 10.0.2 'Innovate' Reconciliation Action Plan 2020-2022
- Item 10.1.1 2020/21 Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants
- Item 10.3.1 Final Adoption of Waterford Triangle Local Development Plan
- Item 10.3.2 Final Adoption of Local Planning Policy P319 Planning Compliance
- Item 10.3.4 Tender 22/2019 Provision of Verge Side Collection Service
- Item 10.3.5 Proposed Significant Trees
- Item 10.3.6 City of Melville's Proposed Modifications to the Canning Bridge Activity Centre Plan
- Item 10.4.1 Listing of Payments - February 2020
- Item 10.4.2 Monthly Financial Statements - February 2020
- Item 10.4.3 Local Government House Trust - Deed of Variation
- Item 10.4.4 Tender 5/2020 Provision of Catering Services
- Item 10.4.5 Health Amendment Local Law
- Item 10.7.1 Terms of Reference - Property Committee
- Item 10.7.2 Lease for the Manning Memorial Bowling Club at Lot 300, No. 1590 Challenger Avenue, Manning
- Item 10.7.3 Proposed lease for the Hensman Park Tennis Club at Lot 300, No. 30 Anstey Street South Perth
- Item 10.7.4 Economic Development Strategy
- Item 10.7.5 Compliance Audit Return
- Item 10.7.8 Draft Local Planning Policy - Exempt Land Use - Consent to Advertise
- Item 10.7.9 Audit Register - Progress Report
- Item 10.7.10 Internal Audit - Facilities Management

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

10. REPORTS

This Item was deferred at the Ordinary Council Meeting held 26 November 2019 to allow further information to be provided to Council.

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

10.0.1 Collier Park Golf Course Business Plan

Location: Collier Park Golf Course
Ward: Moresby
Applicant: Not Applicable
File Ref: D-20-20861
Meeting Date: 24 March 2020
Author(s): Jac Scott, Manager Business & Construction
Reporting Officer(s): Mark Taylor, Director Infrastructure Services
Strategic Direction: Leadership: A visionary and influential local government
Council Strategy: 4.3 Good Governance

Summary

At its meeting held on 24 September 2019, Council resolved to give state-wide public notice seeking public comment of the Collier Park Golf Course Business Plan and in particular the construction and operation of a Mini Golf facility.

The six week public comment period has closed, with the City receiving one submission. Council must now determine whether to proceed with implementing the Business Plan.

0320/022

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland
Seconded: Councillor Stephen Russell

That Council:

1. Acknowledges the one positive submission received in response to the Collier Park Golf Course Business Plan and on that basis proceeds with the Business Plan as advertised;
2. Authorises the Chief Executive Officer to finalise the contract with Clublinks Pty Ltd for the construction and operation of the Collier Park Golf Course Mini Golf, in accordance with information contained within the Collier Park Golf Course Business Plan in **Attachment (a)**;
3. Authorises \$2 million to be added to the 2019/2020 Capital Budget, for the acquisition of the Collier Park Golf Course Mini Golf facility, to be funded from the Major Community Facilities Reserve, noting that any funds not expended will remain in the Major Communities Facilities Reserve; and

4. Notes that when the Collier Park Golf Course Mini Golf commences operations, the revenue derived will be placed in the Major Community Facilities Reserve, until the capital cost has been repaid.

CARRIED BY ABSOLUTE MAJORITY (5/3)

For: Mayor Greg Milner and Councillors Carl Celedin, Mary Choy, Glenn Cridland, Stephen Russell.

Against: Councillors André Brender-A-Brandis, Blake D'Souza, Ken Manolas.

Background

In 2017 the City of South Perth (City) advertised a public tender (RFT 14/2017) for the Management of the Collier Park Golf Course (CPGC) in accordance with section 3.57 of the *Local Government Act 1995* (Act).

Council awarded that tender to Clublinks Pty Ltd (Clublinks), facilitating a Course Controller Agreement and Lease of Buildings at the CPGC. Clublinks commenced operations under the terms of these two agreements on 28 March 2018. In addition, it was expected that Clublinks would commence a master planning process, with the aim of broadening the service offering within the CPGC.

On 9 July 2019 at a Concept Briefing, officers updated Council on the transition to the new Course Controller Clublinks, the current state of the golf course market and changing golf trends. The General Manager of Clublinks presented information relating to the 2018/2019 CPGC performance, master planning, community events and the future of golf. Included was preliminary information about a Mini Golf facility.

At the meeting held 24 September 2019, in response to a report recommending the development of a Business Plan to facilitate the construction and operation of a Mini Golf facility, Council resolved as follows:

1. *In accordance with s3.59 of the Local Government Act 1995, to give state-wide public notice of the Collier Park Golf Course Business Plan in Attachment (a); and*
2. *Notes that following the state-wide public notice period, a report considering submissions made will be presented to a future meeting of Council, where it may be determined to proceed with implementing the Business Plan.*

An advertisement was placed in the West Australian on Thursday 26 September 2019, and on the City's website and noticeboards, inviting submissions to be made through *Your Say South Perth*.

One submission was received by the close, 5.00pm on 11 November 2019.

The Business Plan was considered by Council at its meeting held on 26 November 2019. In response, Council resolved as follows:

"That Council defers consideration of the Item relating to Collier Park Golf Course Business Plan until the financial modelling that includes scenario analysis being the actual model that generates the payback period, revenue streams and the nett benefit to the City is provided to Council."

Comment

In response to Council's resolution, the following information has since been provided to Councillors:

1. A Councillor briefing was held on 6 February 2020 at which Clublinks CEO and State Manager presented the modelling (of attendance) and profit forecasts for the Mini Golf facility at CPGC and provided Councillors the opportunity to review the potential scenarios and interrogate the model. The information provided is Clublinks specific intellectual property with a commercial advantage and therefore is not made available for general circulation;
2. Clublinks has provided a number of case studies of Mini Golf facilities across Australia that were proving a commercial success despite not having the same level of positive business drivers that are in place at CPGC; and
3. A Councillor tour of the Wembley Golf Complex was organised for 3 March 2020 to allow Councillors the opportunity to view an operating and highly successful Mini Golf facility, which is providing significant profit returns to the Town of Cambridge. Councillors were able to have additional time with the State Manager of Clublinks to answer any specific concerns or questions related to the proposed mini-golf development and its commercial viability.

CPGC Financial Sustainability

Since 2012 the City has been monitoring current trends in golf, plus the financial sustainability of the CPGC, and has been seeking to address the challenges it currently faces. Golf is having to adapt to the growing demands on users' time, and the desire for more engaging recreational activities. Traditional 18-hole golf is a key element of the golf course business however it is a declining market. The golf industry generally is struggling with this situation and has been actively looking for ways to maintain relevance and financial viability.

The following is comment from recognised Australasian golf industry information site Golf Industry Central (<https://www.golfindustrycentral.com.au>).

"The prevailing attitude seems to be that the industry is facing an alarming trend of people leaving the game, which creates a need to appeal to new, younger players.

The golf industry's struggled to get more people into the game, with an aging membership base and the younger generation gravitating to a more accessible array of pastimes, are also forcing many clubs to look for a diversification in revenue streams."

"It's interesting to see some of the innovations made in traditional sports in answer to modern societies need for faster information and more immediate feedback and results. We only have to note the changes to our most traditional game, cricket, over the years, as it first provided the 50 over format to the traditional five-day test matches, and now we have the really popular 20-20 format.

Golf too is certainly looking for new innovations to attract more players, in particular the younger generation, and the resurgence of Miniature Golf might just be the answer the sport needs."

The ongoing review of the business has identified the need to be more customer focused and friendlier to: women; families; diverse groups; and younger generations. In order to achieve this CPGC needs to introduce short-format, social and / or golf entertainment participation options, of which the Mini Golf is a key component.

Effective diversification will allow the golf course to remain financially sustainable whilst continuing to offer the traditional longer form 18-hole golf. Traditional golf remains a fundamental element of the golf course business, however more modern short-format options such as mini-golf, that provide a stronger return and broader community appeal, are now required to underpin the financial and community success of the business.

The development of Mini Golf is seen by the City as an essential element in maintaining the long-term financial viability of CPGC, and ensuring an ongoing contribution to the City's non-rate income. It also aligns strongly with the Strategic Community Plan under a number of strategies, and provides a strong point of difference from other local competing golf courses.

Clublinks Pty Ltd

Clublinks was appointed in 2018 to work with the City to build the business, and the development of a Mini Golf was a key inclusion in the Clublinks tender proposal.

When tendering for the CPGC, Clublinks understood the City's intent to modernise the golf course business and re-establish the long-term financial sustainability of the business. Without Mini Golf and the profits that it provides to both parties, Clublinks will not make the expected long term financial returns that the City indicated would be achievable with the tender focussed on the diversification and modernisation of the business.

There is therefore a significant risk to the City's relationship with Clublinks if this proposal is not approved. While the return to the City in the short term has increased, projected profits for Clublinks will be severely impacted to the extent that the business will not be tenable long-term without alternative business upgrades.

Of all the improvements to the CPGC business plan that are proposed to drive the improved financial sustainability, Mini Golf is by far the most commercially rewarding. Development of a technology based driving range would be the next focus, but this is not projected to provide the same level of return on investment.

If the Mini Golf does not go ahead this will severely threaten the City's ability to effectively run the CPGC business.

Commercial confidence in the Business Case

Clublinks have demonstrated their confidence in the commercial strength of the Mini Golf proposal with an expression of interest to fund the development on the site (**Confidential Attachment (b)**). Previous discussions with Clublinks of this nature identified that the City funding Mini Golf provides an improved financial return and this is the basis for the current business plan. In order to accept the offer from Clublinks the regulatory and contractual implications would need to first be resolved and then re-advertising of the business plan would be required, therefore this approach has not been recommended.

In the event that the current business plan is approved, Clublinks have further committed to provide the City with fixed returns which effectively eliminates the City's business risk (**Confidential Attachment (c)**). While demonstrating Clublinks' confidence in the success of Mini Golf at CPGC, this approach is not recommended because it would limit the potential returns the City would make. All of the benchmarking undertaken indicates that the returns will be in excess of \$350k annually.

Business Case Endorsement

A confidential report was considered by Council at the September 2019 Ordinary Council Meeting. The confidential report and attachment has been provided under a separate cover, to provide background to the previous Council deliberations. In accordance with the Act, the report was considered on a confidential basis as it contained information relating to a potential contract.

The Business Plan is based on analysis of the most relevant Perth example, being the Wembley Golf Course, because it offers both traditional golf and Mini Golf. In preparing the Business Plan, a conservative approach was taken in relation to estimates, such as including a high capital construction cost (\$2.0m max) and a low net revenue estimate (price, mix and volume). The conservative approach (highest cost, lowest revenue) is considered prudent, with the actual results likely to be significantly better than estimated, therefore a shorter payback period and increase in the annual net operating benefit. The conservative estimate of increased cash of \$350k per annum is equivalent to just under a 1% of the City's rates revenue.

The construction process for the establishment of the mini golf facility may be described as a two-stage process, this being:

1. Planning, feasibility, design and building approval process; and
2. Following approval by the City, construction, asset handover and commence operations.

Both stages are to be undertaken by Clublinks, with supervision from the City. The City retains absolute discretion in relation to the approval to proceed from Step 1 to Step 2. Each stage will contain an agreed fixed total fee, with progress payments relating to milestones. The capital cost of construction is a maximum fee, as design and cost estimates are preliminary. Finalisation of design and cost will form part of the Development Services Agreement.

In accordance with the Act, Council must give consideration to public submissions prior to a Business Plan commencement / implementation. One submission was received at the close of the public engagement period. The comment provided by this anonymous respondent was "I think this plan will be amazing and it will really connect South Perth".

The Business Plan **Attachment (a)** describes the proposal for the mini golf facility within the CPGC. Council receive regular briefings on the CPGC to provide information on the Business Plan and the submission received. In addition, the briefing provided the history of CPGC and the context of the business planning process, in accordance with the Act and regulations.

This report should be read in conjunction with the Business Plan. In summary, the Business Plan, once adopted, will facilitate Clublinks to design and construct a mini golf facility at the CPGC to a maximum of \$2 million, to be funded from the Major Community Facilities Reserve. Clublinks will operate the Mini Golf facility until their current agreement expires in 2023. The City will receive 60% of the Mini Golf revenue which will be used to repay the Major Community Facilities Reserve. The City retains ownership of the mini golf facility, and together with the whole CPGC, will be subject to a tender process during 2022/2023 to award a CPGC manager/operator.

The Business Plan articulates all the requirements of section 3.59 of the Act and regulations, including alignment to the City's Strategic Community Plan. The Business Plan considers the financial implications, as does this report (below).

Consultation

During the consultation (Stage 2) of developing the Strategic Community Plan 2017-2027 the community suggested ideas for new infrastructure and facilities that would bring the community together. Mini-golf was a specific example of new facilities that would promote community interaction.

Public comment was sought by state-wide advertising in accordance with the Act and the Local Government (Functions & General) Regulations 1996 during the advertising period copies were available at the City Administration and libraries as well as available on the City's website. One submission was received and has been mentioned in this report for Council consideration.

There have been a number of briefings with Council, attended by Clublinks representatives, seeking to provide the background and justification for the project. The most recent briefings specifically related to Mini Golf were provided on 12 November 2019 and 6 February 2020.

On 6 March 2020 Councillors were invited on a site visit to the Mini Golf at Wembley Golf Complex. The handout for this tour is provided in **Attachment (d)**.

Policy and Legislative Implications

Policy P607 Tenders and Expression of Interests.

Local Government Act 1995 - sections 3.57 and 3.59.

Local Government (Functions & General) Regulations 1996.

Financial Implications

If Council decide to proceed with implementing the business plan then the following describes the financial implications.

CPGC Revenue and Expenditure

The existing CPGC Annual Operating Revenue and Expenditure is included in the Annual Budget each year, contained within the statutory reports and detailed in the management budget.

For the 2019/20 Annual Budget the Operating Revenue budget (\$3.06 million) is represented on page 3.2 and the Operating Expenditure budget (\$2.54 million) is represented on page 3.4.

Mini Golf Facility

The acquisition of the Mini Golf facility, being the construction and subsequent operation by Clublinks, will impact on all three of the main statutory financial statements, these being the Comprehensive Income (Profit & Loss), the Statement of Financial Position (Balance Sheet) and the Statement of Cash Flows. In addition, this information will be detailed in the Management section of the budget and monthly financial management reports.

In terms of the Balance Sheet, the acquisition (on commissioning) will result in an increase in the non-current assets and a reduction in the non-current assets (cash) or increase in current and non-current liabilities, should the City choose to rely on a loan (or partial loan) through WA Treasury Corporation.

Once operations commence, the Non-Current Asset will reduce over time, represented by the Accumulated Depreciation, as well as possible revaluations, in accordance with Australian Accounting Standards, the Act and relevant regulations.

In terms of the Profit and Loss, there will be operating revenue and operating expenditure in relation to the use of the facility each year. These amounts will be included in the Annual Budget of the City, approved by Council. A summary of the actual transactions are reported in the Monthly Financial Statements to the Ordinary Council Meetings, as well as reported in the Annual Financial Statements, audited by the WA Auditor General.

Annually, it is expected the Net Operating Benefit (Operating Revenue less Operating Expenditure) is likely to be approximately \$250,000 per annum, depending on the final design and success of the facility operation. The Net Operating Benefit includes a Depreciation Expense of \$100,000 per annum, therefore the annual cash improvement would be approximately \$350,000 per annum. The payback is expected to be approximately six years. The Net Present Value, over 20 years at 6% is approximately \$4.5 million.

On this basis, if Council were to approve the business plan, the mini golf facility will have a positive effect on the City's financial health, described as the Financial Health Indicator (FHI), for the City over the life of the facility.

In terms of financing the Capital component, there are three separate options described below, the fourth being a combination of these three options. These options have assumed the Capital cost is \$2 million.

- A- Municipal Funds** – these funds held by the City are available for all purposes, as determined by Council through the adoption of the Annual Budget or a Budget Adjustment. The use of Municipal Funds reduces the cash balance which is invested, therefore interest revenue will reduce until payback has occurred (around 6 years, interest at say 2% equates to approximately \$130,000).
- B- Reserve Funds** – these Funds are held by the City for a specific purpose, as described in the Annual Budget and Annual Report. If Council wish to use a Reserve for a different purpose, before doing so the Council would need to advertise (locally) this change. As in option A, the use of Reserve Funds reduces the cash balance which is invested, therefore interest revenue will reduce until payback has occurred (around 6 years, interest at say 2% equates to approximately \$130,000).

C- Loan – the City has the ability to borrow funds, with the WA Treasury Corporation providing the best possible rates, these are able to be fixed for up to 20 years. Rates are very low, presently less than 3% and therefore an attractive option. Borrowing attracts interest expense. To provide a comparison, in relation to Option A and B, a 6 year loan at 3% would result in an interest expense of approximately \$193,000. A 20 year loan result in an interest expense of approximately \$670,000. As a loan was not included in the budget, the City would need to advertise the intention to borrow for a period of 1 month, prior to drawing down the loan.

D- Combination – the City has the ability to utilise any or all of Options A, B and C.

In terms of the four options, officers recommend Option B, to be funded from the Major Community Facilities Reserve and once mini golf is operational, the revenue derived be applied to the same reserve, until the actual capital cost has been repaid. This is a simple option, with no impact on the Current Ratio. In terms of the other options, Option A, the use of Municipal cash would be the simplest option, however this may impact negatively on the Current Ratio until payback occurs. Option C, the use of loan funds is also attractive with interest rates falling further in recent times, however other initiatives, such as underground power and a possible Recreation and Aquatic Facility, are better suited to a loan facility.

Expansion of the Driving Range

As previously described, the business plan references an expansion of the driving range, however no financial analysis has been undertaken as it is not possible without first considering the precise location of the facility. Whilst there is an existing driving range facility, an expanded facility may or may not be constructed at that same location. This analysis may be undertaken once the location of the proposed RAF has been determined. This may or may not require an additional business plan to be prepared.

Conclusion

In consideration of:

1. the positive public submission received in response to advertising the Business Plan;
2. the extensive information provided to Councillors about the need to grow and diversify golf at CPGC and supporting the Mini Golf proposal as achieving this; and
3. the robust financial feasibility model provided and presented by Clublinks

it is recommended that Council proceed with the Business Plan, as advertised and authorise the Chief Executive Officer to finalise the contractual arrangements for the development of Mini Golf at CPGC.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership
Aspiration: A visionary and influential local government.
Outcome: Good governance
Strategy: Empower effective and quality decision-making and governance

Attachments

10.0.1 (a): Business Plan
10.0.1 (b): Clublinks Investment Offer (*Confidential*)
10.0.1 (c): Clublinks Letter of Guarantee (*Confidential*)
10.0.1 (d): Wembley Golf Complex Councillors Tour Handout (*Confidential*)

This Item was deferred at the Ordinary Council Meeting held 15 October 2019 to allow a workshop to be held.

10.0.2 'Innovate' Reconciliation Action Plan 2020-2022

Location: Not Applicable
Ward: Not Applicable
Applicant: Not Applicable
File Ref: D-20-20863
Meeting Date: 24 March 2020
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services
Strategic Direction: Community: A diverse, connected, safe and engaged community
Council Strategy: 1.1 Culture & Community

Summary

Business and government at all levels across Australia have been preparing Reconciliation Action Plans to promote and facilitate reconciliation by building relationships, respect and trust between the wider Australian community and Aboriginal and Torres Strait Islander peoples.

The City of South Perth has been active in this area since 2010 with an existing Aboriginal Reference Group and an adopted Aboriginal Engagement Strategy.

The preparation of the next phase of the City's commitment is to develop a RAP in association with Reconciliation Australia (peak national body) who is an independent not-for-profit organisation that provides guidance on the plan content.

The City has developed the 'Innovate' Reconciliation Action Plan 2020-2022, which is shown as **Attachment (a)** and is submitted for Council's 'in principle' endorsement for the purposes of public advertising to invite community and stakeholder comment.

0320/023

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That Council provides 'in principle' endorsement of the City of South Perth 'Innovate' Reconciliation Action Plan 2020-2022, as shown in **Attachment (a)** for the purposes of public advertising to invite community and stakeholder comment.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

In 2010 the City started its reconciliation journey, with Council resolving for the City to develop an 'Indigenous Engagement Strategy', which was intended to lead to the establishment of a Reconciliation Action Plan. In 2013 the City's Aboriginal Engagement Strategy was endorsed by Council; and since then the City has been implementing the actions outlined in the Strategy. The majority of the actions have now been met and strong relationships have been built with the local Aboriginal community. Some of implemented actions include:

- Establishment and facilitation of Aboriginal Reference Group.
- Acknowledgement and/or welcome to country at civic events and functions.
- Aboriginal flag is flown out the front of the Civic Centre.
- Written and oral Aboriginal history in the City's library collections.
- NAIDOC week celebrations.
- Aboriginal design/art/names included in some City buildings (e.g. meeting rooms).
- Noongar/Bibbulmun history on the history page of the City's website.
- Cultural awareness training for City officers and elected members.
- Noongar language on some signs in the City, including entry signs.

As a result of the positive reconciliation work undertaken by the City in recent years, the Aboriginal Reference Group has supported the City to develop a Reconciliation Action Plan.

All Reconciliation Action Plans are developed in association with Reconciliation Australia, who is the lead body for reconciliation in the nation. Reconciliation Australia is an independent not-for-profit organisation that promotes and facilitates reconciliation by building relationships, respect and trust between the wider Australian community and Aboriginal and Torres Strait Islander peoples.

Under Reconciliation Australia's framework, there are four types of Reconciliation Action Plans that an organisation can develop, namely:

1. Reflect – entry level plan that sets out the steps in preparing an organisation for reconciliation initiatives in successive plans.
2. Innovate – second level plan that allows an organisation to be aspirational and innovative to advance reconciliation.
3. Stretch – third level plan that is best suited to organisations that have well developed strategies and established a strong approach towards advancing reconciliation internally and within the organisation's sphere of influence.
4. Elevate – most advanced plan level for organisations that have a proven track record of embedding effective reconciliation initiatives in their organisation and are ready to take on a leadership position to advance national reconciliation.

Each type of Reconciliation Action Plan is designed to suit an organisation at a different stage of their reconciliation journey.

In 2018 the City engaged consultants to assist with the development of its Reconciliation Action Plan. As the City had previously developed an Aboriginal Engagement Strategy and was more advanced in its reconciliation journey, the City has been able to develop a plan at the second 'Innovate' level.

In October 2019, the Reconciliation Action Plan was presented to Council for endorsement with Council resolving to not adopt the Plan, but instead defer the item pending Councillor workshop/s to undertake additional review of the Plan, prior to considering its 'in principle' support to invite community and stakeholder comment on the Plan.

Since that time the City has convened two Councillor workshops (11 November 2019 and 4 February 2020); and hosted a meeting between representatives from the Aboriginal Reference Group and Residents Association (6 February 2020) to review the draft Reconciliation Action Plan. The City has also reviewed preliminary feedback received from Reconciliation Australia on the draft Reconciliation Action Plan. The above feedback has led to a number of amendments to the draft Reconciliation Action Plan, which are summarised below:

- Timeframe Amendment - Specific implementation dates have been nominated for each deliverable and the plan's timeframe reduced from three years to two years to comply with Reconciliation Australia's guidelines for 'Innovate' level plans.
- Duplication/Merging/Prioritisation of Deliverables – various deliverables have been merged or removed to address duplication and focus on priorities (i.e. the number of deliverables has been reduced from 85 to 46).
- Refinement of Deliverables - some of the deliverables have been reworded to clarify intent or more effectively align with relevant City of South Perth and/or state government strategic plans, systems and processes. For example, previous references to social housing have been replaced with home ownership; and for the City to consider installing dual language signage at local sites of Aboriginal Heritage significance, instead of at all City parks. In addition, the refined deliverables focus on the inclusion of tasks that would have a greater probability of implementation using available resources during the two year timeframe (e.g. adjusting the procurement target and employment deliverable).
- Addition of Evaluation Measures – each of the deliverables now contain a description of how it will be measured.
- Accuracy of terminology – previous references to 'Noongar' people now refers to 'Noongar/Bibbulmun' people as Noongar means male and is not representative of all local people.
- New content – photos have been added of local Aboriginal people; and text included on the Old Mill and Mindeerup.

The revised 'Innovate' Reconciliation Action Plan 2020-2022 is shown as **Attachment (a)**.

Comment

Our community is comprised of people from diverse cultural backgrounds. The total number of local residents from Aboriginal and Torres Strait Islander backgrounds is estimated at 532 people, which represents only 1.2% of the total overall local population. It might be questioned why a strategic reconciliation plan is needed for a minority group; the answer is that reconciliation is about strengthening relationships between Aboriginal and Torres Strait Islander peoples and non-Indigenous peoples, for the benefit of all Australians. For this reason, the City's 'Innovate' Reconciliation Action Plan 2020-22 is targeted at all local residents, workers, tourists and visitors.

The Reconciliation Action Plan is aimed at continuing the reconciliation journey within the local community. The actions are grouped into four 'Innovate' pillars, namely:

1. Relationships;
2. Respect;
3. Opportunities; and
4. Governance.

Within these four Reconciliation Action Plan pillars are goals and actions/deliverables that have been identified to implement the Reconciliation Action Plan over a three-year prescribed period. This information is presented in a table format to clearly outline the overarching pillar; description of the actions and deliverables; level of City involvement; and the suggested implementation timeframes. Measuring the success of the actions related to the delivery of the Reconciliation Action Plan will vary according to the project, program or service development identified. All actions will be measured using a range of tools and methods i.e. both qualitative and quantitative data.

Consultation

The 'Innovate' Reconciliation Action Plan 2020-2022 has been developed through an extensive consultation process, which is detailed in the table below.

<u>Timeline</u>	<u>Consultation Action</u>
June to December 2018	Workshops were held with local community and stakeholders regarding the purpose of the Reconciliation Action Plan.
September 2018	An introductory workshop was held with the City's Leadership Team to meet the consultants; learn about Aboriginal history; and have a preliminary discussion about the Reconciliation Action Plan process.
October 2018	A second workshop was held with nominated City officers to explore the Reconciliation Action Plan process in greater detail; and discuss potential actions within the Plan.
February 2019	Councillor workshop was held to meet the consultants; provide a summary of issues faced by Aboriginal community; and invite Councillor's feedback about local government's role in assisting Aboriginal members in the local community (leadership, advocacy resolving issues and/or providing opportunities).
April-June 2019	A cross-directorate City Working Group was established to work alongside the consultant to develop a draft Reconciliation Action Plan.
October 2019	City reviewed preliminary feedback received from Reconciliation Australia on draft Reconciliation Action Plan.
November 2019	A second Councillor workshop was held to review the draft Reconciliation Action Plan.
February 2020	A third Councillor workshop was held to review the draft Reconciliation Action Plan. A meeting was also held between representatives from the Aboriginal Reference Group and Residents Association to review the draft Reconciliation Action Plan.

All relevant feedback gathered during the above consultation processes has been incorporated into the City's 'Innovate' Reconciliation Action Plan.

Policy and Legislative Implications

Nil.

Financial Implications

There are 46 deliverables within the Reconciliation Action Plan. Of these, the majority (34 deliverables or 74%) will be delivered using existing staffing resources. It is estimated that City officers will spend approximately eight hours per week (400 hours per annum) implementing the deliverables. Only 12 deliverables (26%) will require some professional external consultation/participation. The estimated cost to implement the Reconciliation Action Plan is \$5,000 per year. The Reconciliation Action Plan is intended to be delivered over a period of two financial years from 1 July 2020 to 30 June 2022 inclusive. Funds required for the actions/deliverables will be sought using a combination of City funds, external funding and/or contributions from stakeholders; and will be requested as part of the annual operational budget process for assessment by Council.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Culture and community
Strategy:	Develop and facilitate services and programs to respond to changing community needs and priorities

Attachments

10.0.2 (a): 'Innovate' Reconciliation Action Plan 2020 - 2022

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 2020/21 Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants

Location: Not Applicable
Ward: Not Applicable
Applicant: Not Applicable
File Ref: D-20-20868
Meeting Date: 24 March 2020
Author(s): Jessica Fordham, Club Development Officer
Reporting Officer(s): Vicki Lummer, Director Development and Community Services
Strategic Direction: Community: A diverse, connected, safe and engaged community
Council Strategy: 1.2 Community Infrastructure

Summary

Each year the Department of Local Government, Sport and Cultural Industries (DLGSC) calls for applications via its Community Sport and Recreation Facilities Fund (CSRFF) to invite eligible community groups and local governments to apply for funding to assist with sport and recreation infrastructure projects.

CSRFF applications must initially be presented to the relevant local government to request its in-kind principle support of the project, including the financial contribution requested by the applicant under the CSRFF program.

The City has received three internal applications for the CSRFF Small Grant Program for 2020/21 funding round; one to assist with the upgrade of floodlights at Bill Grayden Reserve, one to assist with the upgrade of floodlights at George Burnett Reserve and one to assist in undertaking a masterplan for the City's Hensman Park in South Perth.

0320/024

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That Council approves the City submitting a funding application to the Department of Local Government, Sport and Cultural Industries via its Community Sporting and Recreation Facilities Fund – Small Grants Program 2020/21, for the Bill Grayden Reserve and George Burnett Reserve Floodlight Upgrades Projects, and the Hensman Park Masterplan together with comments from the officer report and the following ranking and ratings:

Applicant	Project	Ranking	Rating
City of South Perth	Bill Grayden Reserve	1	A

	Floodlight Upgrade		
City of South Perth	Hensman Park Masterplan	2	A
City of South Perth	George Burnett Reserve Floodlight Upgrade	3	A

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSC) annually invites applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation. The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well designed and well utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation. Three CSRFF categories are offered (see table below for details).

Grant Category	Total Project Costs Range	Standard DSR Contribution	Frequency
Small Grants	\$7,500 - \$300,000	\$2,500 - \$100,000	Bi-Annual
Annual Grants	\$300,001 - \$500,000	\$100,000 - \$166,666	Annual
Forward Planning Grants	\$500,001 +	\$166,667 - \$2,000,000	Annual

The maximum grant awarded by DLGSC will be no greater than one-third of the project up to a maximum of \$2M. The CSRFF grant must be at least matched by the applicant's own cash contribution equivalent to one third of the total project cost, with any remaining funds being sourced by the applicant. In some cases, funds provided by the DLGSC do not equate to one-third of the project cost and the applicants are advised that they are expected to fund any shortfall. The local government is not obliged to contribute funding to the projects. As stated in the CSRFF guidelines, small grants for this round must be claimed in the financial year following the date of approval. Therefore grant applications in this round must be claimed by 15 June 2021.

CSRFF applications must initially be presented to the relevant local government to request its in-principle support of the project, including the financial contribution requested by the applicant under the CSRFF program.

Comment

Three projects are being proposed by the City for the 2020/21 CSRFF Small Grants. The estimated project cost, grant and City contribution are as follows:

(i) Floodlight upgrade for Bill Grayden Reserve

CSRFF Grant Sought	\$96,888 (ex GST)
City's contribution	\$143,776 (ex GST)
Trinity Aquinas Football Club Contribution	\$50,000 (ex GST)
Estimated Total Project Cost	\$290,664 (ex GST)

(ii) Hensman Park Masterplan

CSRFF Grant Sought	\$16,500 (ex GST)
City's contribution	\$33,500 (ex GST)
Estimated Total Project Cost	\$50,000 (ex GST)

(iii) Floodlight Upgrade for George Burnett Reserve

CSRFF Grant Sought	\$96,517 (ex GST)
City's contribution	\$193,033 (ex GST)
Estimated Total Project Cost	\$289,550 (ex GST)

CSRFF Assessment Guidelines

Under the CSRFF guidelines, applications must initially be presented to the relevant local government to review and to request its in-principle support of the project, including the financial contribution required by the applicant under the CSRFF program. For this reason, a panel comprising the Manager Community, Culture and Recreation; Recreation Development Coordinator; and Club Development Officer assessed and ranked the application against the criteria in the table set out below by DLGSC.

A	Well planned and needed by municipality
B	Well planned and needed by applicant
C	Needed by municipality, more planning required
D	Needed by applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

The results are summarised in the table below:

2020/21 CSRFF Small Grants

Applicant	Project	Ranking	Rating	City's Contribution	Total Project cost
City of South Perth	Bill Grayden Reserve Floodlight Upgrade	1	A	\$143,776	\$290,664
City of South Perth	Hensman Park Masterplan	2	A	\$33,500	\$50,000

City of South Perth	George Burnett Reserve Floodlight Upgrade	3	A	\$193,033	\$289,550
				\$370,309	\$630,214

City Assessment of CSRFF Application for Upgrade of Floodlights at Bill Grayden Reserve

In 2018 the City of South Perth developed a Sports Oval Floodlighting Plan. The objective of the Plan was to provide:

- A documented audit of all floodlights on active sporting reserves owned/managed by the City of South Perth; identifying age, location, lux levels, sports it is servicing, and number of lights; and
- A condition assessment of all floodlights on active sporting reserves owned/managed by the City of South Perth; identifying on a scale, which needs immediate attention (highest priority) to the lowest priority.

The Plan assessed the lighting requirements at eight active/sporting reserves, namely: Ernest Johnson Reserve, Challenger Reserve, Bill Grayden Reserve, George Burnett Reserve, James Miller Oval, Collier Reserve, Morris Mundy Oval and Richardson Reserve.

Of these eight reserves, four reserves have lighting lux levels that do not meet Australian Standards (AS2560) for training and/or competition night play, namely: Ernest Johnson Reserve (Sandgate Street and Hensman Street Ovals), Challenger Reserve, Bill Grayden Reserve and Richardson Reserve (*Note: The City is deferring lighting upgrades at Richardson Reserve until a final determination is made regarding the potential relocation of hockey*). Two reserves have lighting lux levels that meets Australian Standards (AS2560) for training purposes only, namely: George Burnett Reserve and James Miller Oval. The remaining two active reserves (i.e. Collier Reserve and Morris Mundy Oval) don't currently have sports oval floodlights, but it is recommended that lights be installed at these reserves in the future to optimise community participation in sport and recreation.

Following the completion of the lighting audit a priority order for addressing floodlight repair, maintenance and replacement was listed in the Sports Oval Floodlighting Plan. The initial prioritised Ernest Johnson Reserve lighting upgrade project is nearing completion. Furthermore, planning for the Challenger Reserve lighting project is in progress, including the sourcing of a recent grant of \$132,017 from the Department of Local Government, Sport and Cultural Industries in the last round of the CSRFF program.

Bill Grayden Reserve is listed as the next lighting project in the priority order for addressing floodlight repair, maintenance and/or replacement.

The project will involve upgrading luminaries to LEDs with an electronic lighting control system that allows programming from an 'app' on all electronic devices. The lighting levels currently average 36 lux across the full site and are below the Australian Standards AS2560 (being 50 lux for training standards and 100 lux for night competition play). The project was planned to provide 50 lux level lighting to meet training standards, however, the main tenant (Trinity Aquinas Amateur Football Club) has agreed to make a financial contribution to cover the lighting increase to 100 lux.

Trinity Aquinas Amateur Football Club use the oval during winter and would like to be able to host night games as well as be able to improve training standards. The upgrade would help with the Club's current strategic plan for community involvement and developing the game. Upgrading would improve visibility and general safety for sports patrons. The project is consistent with the City's Sports Oval Floodlighting Plan.

The upgrading of the sports oval floodlights will provide a number of community benefits, including:

- Increasing activation of the reserve;
- Supporting the participation and membership growth of local sporting clubs using the reserve;
- Providing greater evening sporting and recreation programming opportunities;
- Reducing damage to playing fields as a result of over-use;
- Providing summer sporting clubs with greater flexibility to train at cooler times later in the day; and
- Improving overall community safety on the reserve.

In summary, the City recommends that the Bill Grayden Reserve Floodlight Upgrade receive a 'first/one' ranking; and an 'A' rating for the CSRFF program due to:

- The proposed upgrade being consistent with the City's Community Recreation Facilities Plan; and
- The proposed upgrade being consistent with the City's Sports Oval Floodlighting Plan.

City Assessment of CSRFF Application for Hensman Park Masterplan

In July 2019, Council endorsed the City's Community Recreation Facilities Plan. One of the recommendations in the Plan was that the City develop a masterplan for the Hensman Park Tennis Club facility, by investigating co-location and amalgamation of facilities (not necessarily clubs) to incorporate a redevelopment to accommodate Hensman Park Tennis Club, Hensman Kindy and other suitable groups.

The masterplan will aim to accommodate the needs of the relevant sporting club, the kindy, the local community and the City to produce a contemporary, functional, integrated and sustainable community facility within an acceptable scope, budget and timeframe. The study aims to fully explore and recommend opportunities for rationalisation, co-location and amalgamation.

If this project receives support to proceed, the City will liaise with the main tenants (Hensman Park Tennis Club and Hensman Kindy) to request a financial contribution from them.

In summary, the City recommends that the Hensman Park Masterplan receives a 'second/two' ranking; and an 'A' rating for the CSRFF Program due to:

- The proposed masterplan is consistent with the recommendations of the City's Community Recreation Facilities Plan, which was endorsed by Council in July 2019.
- It is a well-planned project that the City has previously identified as being required to be undertaken in order to provide strategic direction about the current and future use of the Hensman Park Tennis Facility.

City Assessment of CSRFF Application for Upgrade of Floodlights at George Burnett Reserve

George Burnett Reserve is listed in the above mentioned Sports Oval Floodlighting Plan as the next/third lighting project in the priority order for addressing floodlight repair, maintenance and/or replacement.

The project will involve improving the floodlighting at George Burnett Reserve, which will increase the hours of use allowing day and night use all year round, increase the scheduling flexibility allowing week night play and will enable the clubs to expand participation involving priority (disadvantaged) target markets, namely juniors, females and people with disability. The project is consistent with the City's Sports Oval Floodlighting Plan.

The project would include upgrading luminaries to LED's with an electronic lighting control system that allows programming from an 'app' on all electronic devices. The lux levels currently average 62 lux across the full site and are below the Australian Standards AS2560 (50 lux levels for training standards and 100 lux levels for night competition play). The project is planned to provide 100 lux level lighting. If this project receives support to proceed, the City will liaise with the main tenants (Southern Districts Touch Association and South Perth Rugby League Club) to request a financial contribution from them.

The upgrading of the sports oval floodlights will provide a number of community benefits, including:

- Increasing activation of the reserve;
- Supporting the participation and membership growth of local sporting clubs using the reserve;
- Providing greater evening sporting and recreation programming opportunities;
- Reducing damage to playing fields as a result of over-use;
- Providing summer sporting clubs with greater flexibility to train at cooler times later in the day; and
- Improving overall community safety on the reserve.

In summary, the City recommends that the George Burnett Reserve Floodlight Upgrade receive a 'third/three' ranking; and an 'A' rating for the CSRFF program due to:

- The proposed upgrade being consistent with the City's Community Recreation Facilities Plan; and
- The proposed upgrade being consistent with the City's Sports Oval Floodlighting Plan.

Consultation

The City advertised the CSRFF funding round by email notification to local clubs. No applications for this round were received by community sporting clubs.

During the development of the Sports Oval Floodlighting Plan, the City consulted with all local sporting clubs who use the active reserves. This consultation process included consultation with the main tenants being South Perth Baseball Club, Trinity Aquinas Amateur Football Club, Southern Districts Touch Association and the South Perth Rugby League Club, who all support the proposed sports oval floodlighting upgrade projects. Further engagement will be conducted with the clubs once a suitable consultant has been appointed for the project.

Policy and Legislative Implications

- P110: Support of Community and Sporting Groups
- P609: Management of City Property
- P106: Use of City Reserves and Facilities

Financial Implications

The total cost of the three projects is estimated at \$630,214 for 2020/21. This report seeks Council's endorsement for the City to apply for a grant of \$209,905 (i.e. up to one-third of the total project cost) to reduce the City's overall financial contribution required for this project; and to consider adding an allocation of \$370,309 (City contribution) plus \$50,000 (Club contribution) in the draft 2020/21 Capital Budget.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Community Infrastructure
Strategy:	Plan for and promote the development of recreation and aquatic facilities to service community needs.

This matter also aligns to the City's Community Recreation Facilities Plan 2019-2034 and Sports Oval Floodlighting Plan 2018.

Attachments

Nil

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Final Adoption of Waterford Triangle Local Development Plan

Location:	Land bounded by Conlon Street, Garvey Street, Keaney Place, McKay Street and Manning Road, Waterford
Ward:	Manning Ward
Applicant:	Not Applicable
File Ref:	D-20-20869
Meeting Date:	24 March 2020
Author(s):	Matthew Andrews, Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

In November 2018 Council recommended adoption of draft Town Planning Scheme Amendment No. 59 (Amendment No. 59) relating to the area known as Waterford Triangle. In conjunction with this amendment a local development plan was prepared to provide additional guidance on matters specific to this area, being vehicular access to Manning Road and interface between new developments and the public open space.

The City has been advised that approval of Amendment No. 59 by the Minister is imminent. This amendment requires that a local development plan be approved prior to approving any subdivision or development in the area. There is no delegation from Council to officers to approve local development plans.

This report:

- outlines the process that has been undertaken to prepare and advertise the draft Waterford Triangle Local Development Plan (Waterford Triangle LDP)
- considers the outcomes of consultation
- considers changes to the State planning framework since November 2018 and how these impact on the draft Waterford Triangle LDP, and
- describes a number of recommended modifications to the Waterford Triangle LDP.

It is recommended that Council approves the modified Waterford Triangle LDP.

0320/025

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That Council:

1. Resolves pursuant to Schedule 2, Clause 52(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, to approve the Waterford Triangle Local Development Plan with modifications as shown in **Attachment (a)**; and
2. Notes that the Waterford Triangle Local Development Plan will be published on the City's website.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

A local development plan (LDP) is a planning mechanism that is used to coordinate development and assist in achieving desired built form outcomes for a specified area. An LDP functions similarly to a local planning policy but applies to a localised area and addresses one or more site-specific issues.

The purpose of the Waterford Triangle LDP (**Attachment (a)**) is to provide guidance on vehicle and pedestrian access requirements, and on the interface between new developments and public open space. The Waterford Triangle LDP applies to the area outlined in red below.



The Waterford Triangle LDP was prepared in 2018 in conjunction with Town Planning Scheme Amendment No. 59 (Amendment No. 59), and advertised in conjunction with Amendment No. 59 between July and September 2018. At its meeting on 27 November 2018 Council resolved to support Amendment No. 59, which was then forwarded to the Western Australian Planning Commission (WAPC) for determination. Amendment No. 59 is expected to be gazetted in March 2020.

Amendment No. 59, requires that an LDP be prepared and approved prior to the approval of any development applications within the Waterford Triangle area. Unlike a scheme amendment, adoption of an LDP does not require the approval of the State Government or the Minister for Planning. Council has delegation to determine local development plans in accordance with Schedule 2, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).

The following report will consider the outcomes of advertising and recommend modifications to improve the draft Waterford Triangle LDP.

Comment

The City has reviewed the draft Waterford Triangle LDP giving consideration to the outcomes of consultation and changes to the planning framework since advertising was undertaken in 2018. From this review a number of modifications are recommended, as discussed below.

Outcomes of Consultation

The draft Waterford Triangle LDP and Amendment No. 59 were advertised concurrently and feedback received related to both the proposed amendment and the draft LDP. The outcomes of consultation are discussed in detail in the report on Amendment No. 59 (November 2018 Ordinary Council Meeting item 10.3.2).

No direct feedback was provided on the contents of the LDP, however feedback was received more generally on a number of matters including those addressed in the draft Waterford Triangle LDP. Key matters raised include:

- Vehicle parking, in particular, street parking
- Restriction of vehicular access to Manning Road
- Upgrades to water infrastructure
- Pedestrian and cycle links throughout Waterford Triangle.

The above matters were previously considered at the time of advertising and have been addressed in the report presented to Council on Amendment No. 59 (November 2018 Ordinary Council Meeting item 10.3.2). The relevant consultation table is repeated below for clarity.

Matter	Officer summary of key issues	Officer comment
Vehicle parking	Increased street parking associated with more dwellings and a new laneway.	Parking requirements for new residential dwellings will be in accordance with the Residential Design Codes (R-Codes). Each development will be assessed against the R-Codes and determined on the particular merits of the proposal at that time. The parking rates in the R-Codes are considered sufficient to cater for the needs of residents. On street parking issues can be dealt with through a parking management plan for the area. The design of the laneway is not yet finalised. Amenity issues such as parking and safety for the laneway will be taken into consideration in the design phase.
Restriction of access to Manning Road	Access to Manning Road will be removed requiring construction of a rear driveway resulting in a loss of outdoor living area and costing a considerable amount.	Vehicular access to Manning Road from existing dwellings won't be affected. Removal of access to Manning Road will only be required for new developments, taking advantage of the increased development potential under this amendment, and therefore will have no impact on existing dwellings.
Upgrades to existing water infrastructure	An existing water reticulation main may need to be upgraded to meet demand. The cost of upgrades should be apportioned across the landowners through a developer contribution plan, or similar.	The City extensively investigated the option of developer contributions in the area. These investigations have shown that it is not appropriate to impose a developer contribution plan within the area. There are legal impediments to the City imposing conditions and accepting payments on behalf, of a third party. The cost of any upgrades to third party infrastructure such as reticulations mains is the responsibility of the relevant authority and not the local government.

Connection between physical amenities	Improvement of the physical connections including pedestrian and cycling infrastructure within the amendment area and between the amendment area and Canning River and Waterford Shopping precinct.	<p>A number of upgrades to the public infrastructure are planned within or nearby to the amendment area, including:</p> <ul style="list-style-type: none"> - Footpaths replacement - Roads resurfaced - New laneway <p>These upgrades, in conjunction with the Joint Bike Plan for City of South Perth and Town of Victoria Park, are anticipated to address this concern.</p>
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No comments were received in relation to the matters of open space, streetscape or building orientation that are addressed in the draft Waterford Triangle LDP.

No modifications are proposed to the draft Waterford Triangle LDP as a result of the feedback.

Changes in the planning framework

In May 2019 the new R-Codes Volume 2 – Apartments was gazetted. The new R-Codes are a significant change to the previous R-Codes, with a greater focus on improving design outcomes for apartments. Significantly more guidance is now provided on achieving good design outcomes with additional design elements being considered.

Some matters addressed in the draft Waterford Triangle LDP (as advertised) are now redundant as they are now addressed through the R-Codes Volume 2. These are:

- Section 4 Open Space (addressed by Element 3.3 Tree Canopy and Deep Soil Area and Element 3.4 Communal Open Space)
- Section 5 Streetscape (addressed by Element 3.6 Public Domain Interface)
- Section 6 Building Orientation (addressed by Element 3.6 Public Domain Interface)

Based on the changes in the planning framework outlined above, a number of modifications are proposed as outlined below.

Proposed Modifications

The following describes the modifications that are proposed to the draft Waterford Triangle LDP as outlined in **Attachment (a)**.

Section 1: Application of local development plan

Minor modifications are proposed to this section to improve clarity and to reference the policy number for the new R-Codes.

Section 2: Residential Design Code

No modifications are proposed to this section.

Section 3: Vehicle and Pedestrian Access

No modifications are proposed to this section.

Section 4: Open Space

As the open space requirements in the draft Waterford Triangle LDP are now addressed by Elements 3.3 (Tree Canopy and Deep Soil Area) and 3.4 (Communal Open Space) of the new R-Codes, it is recommended that the open space requirements be removed.

Section 5: Streetscape

Streetscape controls are now addressed by Element 3.6 (Public Domain Interface) of the R-Codes Volume 2. Element 3.6 outlines that good design can be achieved through orienting windows and balconies towards public spaces, providing visually permeable fencing between private development and the street and providing car-parking, services and utilities (including bins) in locations not visible from the street. However Element 3.6 does not provide guidance on visually permeable fencing adjacent to public open space that is included in the draft Waterford Triangle LDP.

In light of the new R-Codes, the following modifications are recommended to the draft Waterford Triangle LDP:

- Clause 5.2 be modified to require that the fences of new developments adjacent to the public open space meet Acceptable Outcome A3.6.6, which requires fencing to be visually permeable above 1.2 metres height
- Clauses 5.3 and 5.4 of the advertised LDP be removed given that Element 3.6 (Public Domain Interface) addresses these matters.

Section 6: Building Orientation

As the building orientation requirements in the draft Waterford Triangle LDP are now addressed by Element 3.6 (Public Domain Interface) of the new R-Codes, it is recommended that the building orientation requirements be removed.

Readvertising

The proposed modifications to the draft Waterford Triangle LDP do not seek to change the intent of the LDP, therefore it is recommended that the proposed modifications are not readvertised.

Consultation

The Waterford Triangle Local Development Plan was advertised in conjunction with Amendment No. 59, which relates to the same area. It was advertised for a period of 65 days, between 17 July 2018 and 21 September 2018, in accordance with the Regulations and Council policy P301. This consultation involved:

- Two notices in the Southern Gazette, appearing on 17 July 2018 and 31 July 2018
- Two 'drop-in' sessions at the George Burnett Leisure Centre; one after hours on a weekday; and one on a weekend day. These sessions were attended by approximately 10 members of the public
- Three advertising signs erected in strategic locations throughout the amendment area
- Notice and copies of the amendment documents being published on 'Your Say South Perth' for the duration of the consultation period
- Hard copy notices and copies of the proposed amendment being available at the City's Civic Centre and libraries for the duration of the consultation period

- Mail notices being sent to property owners and occupiers within the amendment area and approximately 100 metres around the amendment area.

At the conclusion of the consultation period a total of 13 submissions were received. The positions expressed in the submissions are summarised as follows:

- Six submissions supported the amendment;
- Four submissions objected to the amendment; and
- Three submissions were unqualified, indicating neither support nor objection to the amendment.

None of the submissions received specifically made reference to the LDP; however the feedback received related to matters addressed by the LDP. These are discussed in the Comment section of this report.

Policy and Legislative Implications

The statutory requirements relating to an application for a local development plan are contained in Schedule 2, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015. This Part of the Regulations requires that any LDP approved by a local government must be published on the City's website.

Should Council approve the Waterford Triangle Local Development Plan, it will form part of the local planning framework applicable to future developments on the affected lots.

Financial Implications

To remove direct vehicular access for properties along Manning Road a laneway is proposed to be constructed as outlined in the Waterford Triangle LDP. Council has previously considered the construction of this laneway at the December 2017 Ordinary Council Meeting (refer item 10.3.2) subject to annual budget approval.

The estimated cost for the design and construction of the laneway is \$550,000. The design cost will be included in the 2020/2021 draft annual budget and construction in the subsequent year.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	(A) Develop a local planning framework to meet current and future community needs and legislative requirements.

Attachments

10.3.1 (a): Modified Waterford Triangle Local Development Plan

10.3.2 Final Adoption of Local Planning Policy P319 Planning Compliance

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-20-20870
Meeting Date:	24 March 2020
Author(s):	Matthew Andrews, Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

This report considers the outcomes of consultation on proposed Local Planning Policy P319 Planning Compliance.

The draft revised Policy was advertised for a period of 26 days from 16 January 2020 concluding on 10 February 2020 during which time no submissions were received. Following further internal review a number of minor modifications are proposed to clarify the compliance process.

0320/026

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That Council, in accordance with the provisions of Schedule 2, Clauses 3 and 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Resolves to adopt Local Planning Policy P319 Planning Compliance with modification as included at **Attachment (a)**; and
2. Publishes a notice of adoption of Local Planning Policy P319 Planning Compliance.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

As part of the City's planning function, officers are required to carry out investigations and enforcement relating to a range of matters including unauthorised land uses or works, development not in accordance with a development approval and development that contravenes the City of South Perth Town Planning Scheme No. 6 (the Scheme).

Clause 9.2 of the Scheme states that:

A person must not:

- (a) contravene or fail to comply with the provisions of the Scheme; or*
- (b) use any land or commence or continue to carry out any development within the Scheme area:*
 - (i) otherwise than in accordance with the Scheme;*
 - (ii) unless all approvals required by the Scheme have been granted and issued;*
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and*
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.*

Any person that contravenes the Scheme or carries out unauthorised development is committing an offence as prescribed in section 218 of the *Planning and Development Act 2005* (the Act).

At its meeting held on 17 December 2019, Council resolved to prepare and publically advertise draft Local Planning Policy P319 Planning Compliance. The policy was advertised between 16 January 2020 and 10 February 2020 during which time no submissions were received. Details of the consultation undertaken are discussed in the 'Consultation' section of this report.

Comment

No submissions were received during the advertising period. As such no modifications are necessary to address feedback. Notwithstanding, following further internal review, a number of minor modifications are proposed including:

- outlining that compliance action will not be undertaken for matters which are considered to be civil matters;
- restructuring of the compliance procedure contained in clause 4 to be clearer in the process that the City will follow where compliance action is being undertaken.

These modifications do not change the overall purpose and intent of the policy.

Consultation

The draft revised Policy was advertised for a period of 26 days from 16 January 2020 concluding on 10 February 2020. The consultation involved:

- One notice in the Southern Gazette newspaper, appearing in the edition issued on 16 January 2020
- The Local Planning Policy being available for viewing on 'Your Say South Perth' throughout the advertising period
- Hard copy notices and copies of the Local Planning Policy being available at the City's Civic Centre and Libraries throughout the consultation period.

At the conclusion of the consultation period, no submissions were received.

Policy and Legislative Implications

A Local Planning Policy does not form part of a Scheme and cannot bind a decision maker in respect to an application or planning matter.

Clause 3(1) of, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 states that the Council may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. The proposed Policy will be appropriately adopted under this provision.

Financial Implications

Adoption of the revised Local Planning Policy incurs minor costs in publishing a notice in the local newspaper. This cost has been accounted for in the 2019/2020 budget.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built and Natural)

Aspiration: Sustainable urban neighbourhoods

Outcome: 3.2 Sustainable built form

Strategy: (A) Develop a local planning framework to meet current and future community needs and legislative requirements

Attachments

10.3.2 (a): Local Planning Policy P319 Planning Compliance

10.3.3 Proposed Change of Use from Single House to Use Not Listed (Holiday House), Lot 352, No. 7 Vista Street, Kensington

Location: Lot 352, No. 7 Vista Street, Kensington
Ward: Moresby Ward
Applicant: Meng Song Tan
File Reference: D-20-20871
DA Lodgement Date: 23 October 2019
Meeting Date: 24 March 2020
Author(s): Cameron Howell, Senior Urban Planner
Reporting Officer(s): Vicki Lummer, Director Development and Community Services
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy: 3.2 Sustainable Built Form

Summary

To consider an application for development approval for a change of use from Single House to Use Not Listed (Holiday House) on Lot 352 No. 7 Vista Street, Kensington.

This application is referred to Council as the proposed land use is not listed in Town Planning Scheme No. 6.

It is considered that the proposed development achieves compliance with all of the discretionary considerations and does not pose any adverse amenity impacts to the neighbouring properties or the locality.

The subject site has been used (with Council's approval) as a Holiday House for the past 12 months. The Holiday House has been operating in a manner consistent with its approved management plan and the City has not received any complaints from neighbours during this period.

It is recommended that the application be approved, subject to conditions.

0320/027

Alternative Motion AND COUNCIL DECISION

Moved: Councillor Stephen Russell

Seconded: Councillor Carl Celedin

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for a change of use from Single House to Use Not Listed (Holiday House) on Lot 352 No. 7 Vista Street, Kensington **be approved** subject to:

1. The approval of change of use from 'Single House' to 'Use Not Listed (Holiday House)' is valid for a period of three (3) years from 26 March 2020. At the end of this period the building will revert to 'Single House'. A new development approval will be required to extend past this time;

2. This approval pertains to a 'Use Not Listed' (Holiday House) for the purposes of short-term accommodation;
3. A maximum of eight temporary occupants of which a maximum of six can be adults (12 years and over) are permitted on site at any one time in relation to the 'Use Not Listed.';
4. The Management Plan dated 20 March 2019 (Version 3) forms part of this approval. The approved management plan, or any subsequent management plan approved to the satisfaction of the City, must always be strictly adhered to; and
5. The Management Plan is to be distributed to nearby landowners and occupiers for information purposes prior to the 'Use' commencing.

Note: City officers will include relevant advice notes in the determination notice.

Reasons for Change

The reasons are as follows:

1. It is noted from a local neighbour's correspondence to the City, that a condition of use to 'Use Not Listed (Holiday House)' be temporary and not permanent to ensure a safeguard against un-neighbourly like behaviour i.e. neighbours do not have to solely resort to non-compliance action. Furthermore considering that the property's locality is within a primarily residential area and additionally is not within 400m walking distance of a tourist feature as per a consideration of Council Policy P350.18 'Short-Term Accommodation' para 2a, then this reason is fair and reasonable.
2. Vista Street and the near Kensington locality is subjected to increased R-code density under the Local Planning Strategy (LPS). The final version of the LPS and its impact on the amenity of the existing neighbourhood is an unknown and therefore placing the above condition is considered prudent.

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for a change of use from Single House to Use Not Listed (Holiday House) on Lot 352 No. 7 Vista Street, Kensington **be approved** subject to:

1. This approval pertains to a 'Use Not Listed' (Holiday House) for the purposes of short-term accommodation;
2. A maximum of eight temporary occupants of which a maximum of six can be adults (12 years and over) are permitted on site at any one time in relation to the 'Use Not Listed.';

3. The Management Plan dated 20 March 2019 (Version 3) forms part of this approval. The approved management plan, or any subsequent management plan approved to the satisfaction of the City, must always be strictly adhered to; and
4. The Management Plan is to be distributed to nearby landowners and occupiers for information purposes prior to the 'Use' commencing.

Note: City officers will include relevant advice notes in the determination notice.

Comment

(a) Background

In October 2019, the City received an application for a change of use from Single House to Use Not Listed (Holiday House) on Lot 352 No. 7 Vista Street, Kensington.

The site currently has development approval for a Use Not Listed (Holiday House) that expires on 26 March 2020. On 26 March 2019, Council granted an approval for a 12 month period. That approval is subject to the same management plan and restrictions as proposed in the current application.

(b) Description of the Surrounding Locality

The site has a frontage to Vista Street to the north-west and is generally surrounded by Single Houses, as seen in **Figure 1** below:



Figure 1: Aerial photograph of the subject site (2019).

(c) **Description of the Proposal**

The application proposes the permanent approval of a Use Not Listed (Holiday House) on the subject site, as depicted in **Attachment (a)**.

The City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6) does not have a defined land use that reflects the proposed use of this site. The model scheme provisions provide the following definition that is reflective of the subject proposal -

***holiday house** means a single dwelling on one lot used to provide short term accommodation but does not include a bed and breakfast.*

The proposal is considered to meet the discretionary criteria of the Scheme and relevant Council policies.

(d) **Short Term Accommodation**

Council Policy P350.18 'Short-Term Accommodation' provides a list of matters for Council to have regard to in considering the subject application. The proposal is seen to satisfy the relevant considerations for the following reasons:

- (a) The location of the subject property is considered to have a degree of tourism significance and is not in an isolated area. The subject property is within 400m of the Canning Highway / Douglas Avenue centre. While this centre is not one referenced in State Planning Policy 4.2 'Activity Centres for Perth and Peel' (SPP4.2), this centre is a long established commercial strip that provides for local retail needs and forms part of the Canning Highway urban corridor as identified in *Perth and Peel @ 3.5 Million*.
- (b) The subject property is within 250 metres of the high frequency bus route on Canning Highway.
- (c) The proposal (as specified in the management plan) has a maximum of eight occupants, with not more than six adults. The site has two car parking bays provided and guests are not permitted to park on the street or verge. As such, with a maximum of two vehicles permitted, the resultant traffic volume is expected to be similar to the existing Single House land use.
- (d) The existing development provides typical occupant facilities found in a residence and these facilities are considered to be appropriate for this type of proposal.
- (e) The existing building is designed as a five bedroom / two bathroom residence and the proposal has a maximum of eight occupants, with not more than six adults. The scale and intensity of the proposal is seen to be comparable to the surrounding locality and is considered to be acceptable.

- (f) The proposal includes a management plan, addressing a range of matters including check in/check out procedures, complaints management, restrictions relating to the use of the premises and a guest 'code of conduct'. The management plan is considered to be acceptable for this proposal.
- (g) While the proposal is not a retrospective application, a temporary approval for the same land use currently applies to the site. There are no written records of complaints from neighbours since Council approval was granted in March 2019 and no comments referencing complaints were made by neighbours during the consultation period for this application.

The proposal is seen to meet the requirements of the local planning policy and the use of this site over the past 12 months has not flagged any issues of concern. In light of the above, the approval of the Holiday House land use as proposed is supported.

(e) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development.

The proposed development is considered satisfactory in relation to all of these matters.

(f) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application.

It is considered that the proposal satisfies the relevant matters of clause 67.

Consultation

(a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 1' consultation method, individual property owners and occupiers at Nos. 1-14 (inclusive) Vista Street and Nos. 2, 4, 6, 8, 10, 12 and 14 King Street were invited to inspect the proposal and to submit comments during a minimum 14-day period.

During the advertising period, a total of 24 consultation notices were sent and one submission was received, objecting to the proposal. The comments from the submitter, together with officer response are summarised below.

Submitters' Comments	Officer's Responses
Objects to the permanent change of use. It should be temporary only so that if any bad incidents or unsavoury behaviour occurs the approval can easily be revoked.	<p>The Council granted an approval in March 2019 for the same proposal that is valid for 12 months.</p> <p>If a permanent approval is granted, while the approval cannot be revoked, the City can undertake compliance investigation and actions should the need arise. Breaches of the planning approval and its conditions may lead to the owner being subject to penalties or other prosecution actions.</p> <p>The comment is NOTED.</p>

Policy and Legislative Implications

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

Financial Implications

This determination has some financial implications, to the extent that if the applicant were to appeal a decision, or specific conditions of an approval granted, the City may need to seek representation (either internal or external) at the State Administrative Tribunal.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Build and Natural)
 Aspiration: Sustainable urban neighbourhoods
 Outcome: 2.3 Sustainable built form
 Strategy: Promote and facilitate contemporary sustainable buildings and land use

Sustainability Implications

The proposal has no substantive sustainability implications.

Conclusion

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions. Where the proposal requires the exercise of discretion, it is seen to satisfy the relevant considerations and demonstrate compliance. The proposal has restrictions imposed through the management plan and the associated planning condition to mitigate the impacts to surrounding residences. The Holiday House approval granted in March 2019 (that is subject to the same restrictions as the current proposal) has not resulted in the amenity of the locality and neighbours being adversely affected. Accordingly, it is recommended that the application should be conditionally approved.

Attachments

10.3.3 (a): Change of Use Proposal - Single House to Use Not Listed (Holiday House) - 7 Vista Street, Kensington - 11.2019.359.1

10.3.4 Tender 22/2019 Provision of Verge Side Collection Service

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Reference:	D-20-20872
Meeting Date:	24 March 2020
Author(s):	Craig Barker, Waste and Fleet Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.4 Resource Management & Climate Change

Summary

This report considers submissions received from the advertising of Tender 22/2019 for the Provision of Verge Side Collection Service.

This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

0320/028

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That Council:

1. Accepts the tender submitted by The Groote Family Trust trading as Steann Pty Ltd for the Provision of Verge Side Collection Service in accordance with Tender 22/2019 for the period of supply up to 30 June 2022 inclusive;
2. Accepts the tender price of \$608,499 (excluding GST) as included in **Confidential Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

A Request for Tender (RFT 22/2019) for the Provision of Verge Side Collection Service was advertised in The West Australian on 7 December 2019 and closed on 14 January 2020.

The RFT is for the supply and management of sufficient plant and labour to undertake the City's verge side collection services for a two year period.

Tenders were invited as a fixed price for each collection for the 2020/21 financial year. The second financial year 2021/22 is subject to a CPI increase from the previous year.

TABLE A – Collection Methodology and Dates

Collection 2020/21

Collections	Type	From	End
First collection	Green waste	31 August 2020	9 October 2020
Second Collection	Hard waste	12 October 2020	3 December 2020
Third Collection	Green waste	26 April 2021	4 June 2021

Collection 2021/22

Collections	Type	From	End
First collection	Green waste	30 August 2021	8 October 2021
Second Collection	Hard waste	11 October 2021	3 December 2021
Third Collection	Green waste	27 April 2022	3 June 2022

All materials collected will be transported to various disposal sites outside the City for processing or disposal at landfill. The green waste collection, if not contaminated, is effectively an 'all in collection service' with the green waste transported directly to an approved grind site for mulching. By way of contrast, the hard waste service requires the collection and transport of separated components to various defined locations:

- Metal products (including white goods and household appliances of recyclable nature) to Sims Metal Management (various locations);
- General waste to Cleanaway, Welshpool;
- E-waste to a Sims approved Recycling Facility (various locations); and
- Mattresses to Soft Landing, Wangara.

Comment

At the close of the tender advertising period three submissions had been received and these are tabled below:

TABLE A – Tender Submissions

Tender Submissions	
1.	Western Maze Pty Ltd
2.	The Groote Family Trust trading as Steann Pty Ltd
3.	D&M Waste Management

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Referees and Experience	40%
2. Plant and Staff	30%
3. Collection Methodology	30%
Total	100%

A price assessment of each conforming tender was then made to determine selection of the most advantageous submission.

Based on the assessment of all submissions received for Tender 22/2019 Provision of Verge Side Collection Service, it is recommended that the tender submission from The Groote Family Trust trading as Steann Pty Ltd be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995* (the Act).

Policy and Legislative Implications

Section 3.57 of the Act requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 - Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest

Financial Implications

The full cost of this contract will be included in the 2020/21 and 2021/22 annual budgets for Council consideration.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment Built & Natural
 Aspiration: Sustainable urban neighbourhoods
 Outcome: Resource management and climate change
 Strategy: Promote and implement sustainable water, waste, land and energy management practices

Attachments

10.3.4 (a): Recommendation Report (*Confidential*)

10.3.5 Proposed Significant Trees

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-20-20873
Meeting Date:	24 March 2020
Author(s):	Steve Atwell, Manager Programs Delivery
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.4 Resource Management & Climate Change

Summary

This report recommends the establishment of five Tree Preservation Orders to be incorporated on the City's Significant Tree Register. One tree nominated by a community member is located on private property. Four trees, growing between the road reservation and private land have been nominated by City officers. All five trees have been assessed as significant following assessment by the City.

0320/029

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Glenn Cridland

That Council:

1. Authorises the establishment of Tree Preservation Orders in favour of the five trees (**Attachments (d) & (f)** Orders 157, 158, 159, 160 & 161) identified in this report, including their inclusion on the City's Register of Significant Trees; and
2. Notes the City's intention to correspond with the property owner in relation to the establishment of the Preservation Orders for four trees (157, 158, 159 & 160) located at Lot 888 Canning Highway, which are growing within the road reserve and private land, advising of the establishment of the orders and inviting written submission in relation to the property owners' support for the orders to be retained, amended or repealed.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The City of South Perth established provisions to prevent the damage, cutting, pruning or interference to trees via the establishment of Tree Preservation Orders under amendment No. 17 of the previous Town Planning Scheme No.5 1995. Tree Preservation Orders, when established, are recorded in the City's Significant Tree Register.

The provisions of the Town Planning Scheme 6 (part 6.13 Tree Preservation) facilitate the preservation of a tree based on an assessment of its aesthetic quality, historical association, rarity or other characteristics, which make the tree worthy of preservation. The City has developed an assessment model, adapted from the process utilised by the Tree Society and National Trust, to determine if a Tree Preservation Order and subsequent inclusion on the Significant Tree Register, is warranted.

In 2002, Council, recognising continuing potential loss of tree canopy cover, due to increasing infill development within the City, adopted Policy P205 'Tree Preservation'. The policy reinforces the City's commitment to preserving trees by seeking to protect them via establishing Tree Preservation Orders and listing on the Significant Tree Register.

Where a tree is identified as being suitable for preservation and subsequent inclusion on the Significant Tree Register, the procedural requirements established within the Town Planning Scheme provide that the City seek the Council's authorisation for the establishment of a Tree Preservation Order and its subsequent registration. If the tree in question is located on private land it is necessary to either:

- Seek agreement or comment from the land owner prior to recommending Council endorse the establishment of the Tree Preservation Order; or
- Seek Council endorsement of the establishment of the Tree Preservation Order and listing on the Register with acknowledgment that the land owner is to be advised after registration and given an opportunity to agree to, or appeal against the registration.

Further to the objectives of both the Town Planning Scheme amendment No. 17 and Policy P205, Council adopted the City of South Perth Urban Forest Strategy (UFS) in July 2018. The UFS provides for planting of additional, retention of existing and continuing maintenance of suitable trees. The UFS proposes a number of targets designed to assist in meeting the objectives within the strategy, including an intention to increase the number of trees protected within the Significant Tree Register by 25%. Council Policy P206 'Urban Forest' supports the objectives of the UFS.

Comment

To date, the Council has endorsed the establishment of 147 Tree Preservation Orders for significant trees which are included on the Significant Tree Register. Preservation details and tree locations are recorded within a hard copy register which is available for inspection at the Civic Administration Centre and are identified within the City's GIS Mapping system.

The City has in recent months received 10 nominations from members of the community requesting that trees within or adjacent to their properties be assessed for possible inclusion on the Significant Tree Register. The reasons for nomination range from trees considered by applicants to have special amenity or environmental merit and or, because of sentimental or familial connection, or memorial.

Four trees identified by City officers as warranting preservation are Lemon Scented Gums (*Corymbia citriodora*) of substantial age and grandeur which are growing partially on the road reservation of Norton Street or Canning Highway and the adjacent Lot 888 Canning Highway (Como Hotel Site - refer **Attachment (e)** aerial photo). The trees are also identified within the recent planning approval for the Dan Murphy Liquor Store development at Condition 26 which states “*that all existing trees intended to be retained as indicated on the site plan shall be identified for retention on the working drawings and landscape plans and shall be protected prior to and during construction, and shall not be removed without the prior approval of the city.*”

The four trees were assessed by City officers as significant and were also inspected by a qualified arborist who has independently confirmed the importance of these trees. The trees are estimated to be in excess of sixty years of age and thirty meters in height, they contribute significantly to the visual amenity of the street environment for both Canning Highway and Norton Street. The trees visually frame the existing liquor outlet and hotel and will complement the vertical scale of the proposed new development. The trees are considered to be a significant local land mark, are structurally sound, provide valuable fauna habitat and are a recognised food source for Carnaby’s Cockatoos. They also contribute substantial tree canopy cover within the district.

City officers have inspected and completed an assessment of all of the community nominated trees. The assessment process involves scoring the tree on a number of “primary” and “secondary” criteria. The total scores under the primary and secondary categories determine whether the tree is significant.

One privately nominated tree was assessed as being sufficiently significant to warrant the establishment of a Tree Preservation Order. The proposed tree, also a Lemon Scented Gum (*Corymbia citriodora*), is located at number three, Seventh Avenue, Kensington. The tree has also been assessed as significant by an independent professional arborist. The tree which the city understands is approximately eighty years old, is some thirty meters tall and is a dominant feature within the local suburban landscape. The tree is considered in good health and structurally sound. It provides valuable fauna habitat, is a recognised food source for the Carnaby’s Cockatoo and contributes substantively to tree canopy cover within the district.

City officers are of the opinion that the added protection provided under the Planning Scheme via the establishment of Tree Preservation Orders is an important measure to assist in ensuring the trees are acknowledged and protected by the property owner preceding, during and following the proposed redevelopment.

Consultation

Subject to Council endorsing the recommendation the purpose of this report, officers will correspond with the owner of Lot 888 Canning Highway making them aware of the establishment of Tree Preservation Orders relevant to the four significant trees growing within and adjacent to their land and inviting their comment.

Officers will also write to community members who nominated trees to be considered for possible preservation, explaining the City's objectives in establishing preservation orders and reasons why their nominated trees either were or were not recommended for inclusion on the register.

Policy and Legislative Implications

City of South Perth Town Planning Scheme No.6 Text Section 6:13 Tree Preservation
Policy P205 Tree Preservation
Policy P206 Urban Forest
City of South Perth - Urban Forest Strategy

Financial Implications

Nomination of the trees to the register of significant trees will impose negligible additional administrative costs and will not affect maintenance costs.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable Urban Neighbourhoods
Outcome:	Enhanced Environment and Open Spaces
Strategy:	Enhance the City's Urban Forest

Attachments

- | | |
|--------------------|---|
| 10.3.5 (a): | 3 Seventh Avenue - Significant Tree Images |
| 10.3.5 (b): | 3 Seventh Avenue - Aerial Image |
| 10.3.5 (c): | 3 Seventh Avenue - Tree Preservation Order - Registration Number 161 |
| 10.3.5 (d): | Lot 888 - Como Hotel - 243 Canning Highway - Significant Tree Images |
| 10.3.5 (e): | Lot 888 - Como Hotel - 243 Canning Highway - Aerial Image |
| 10.3.5 (f): | Lot 888 - Como Hotel - 243 Canning Highway - Tree Preservation Orders - Registration Numbers 157, 158, 159, 160 |

10.3.6 City of Melville's Proposed Modifications to the Canning Bridge Activity Centre Plan

Location:	Not Applicable
Ward:	Como, Manning and Moresby
Applicant:	Not Applicable
File Ref:	D-20-19920
Meeting Date:	24 March 2020
Author(s):	Matthew Andrews, Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

The City of Melville has proposed two amendments to the Canning Bridge Activity Centre Plan (CBACP). These amendments propose to:

- Limit the maximum bonus height for development in the City of Melville in the M10 and the M15 zone to 1/3rd the maximum building height for that zone (i.e. 10.7 metres (3 storeys) in M10 and 16 metres (5 storeys) in M15), and
- Clarify that the ceding of land for the purpose of road widening will only be considered a community benefit where land along Canning Highway is required to be ceded to the State of Western Australia.

The amendments proposed by the City of Melville, require the submission of a report to the Western Australian Planning Commission (WAPC) from each local government affected by the Activity Centre Plan, pursuant to Regulation 36 of the Deemed Provisions. The report must provide a recommendation to the WAPC on whether the proposed modifications by the City of Melville should be approved. This report outlines the City of Melville's proposed amendments to the CBACP and recommends that Council advises the WAPC that the amendments should be approved.

0320/030

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That Council:

1. Supports the amendment report relating to maximum bonus heights within Kintail Quarter (Q1) and Ogilvie Quarter (Q2) prepared by the City of Melville included at **Attachment (a)**;
2. Supports the amendment report relating to clarifying the ceding of land for the purpose of road widening prepared by the City of Melville included at **Attachment (c)** which states that ceded land will only be considered a community benefit for land along Canning Highway if it is required to be ceded to the State of Western Australia;

3. Recommends to the Western Australian Planning Commission in accordance with Schedule 2, Clause 36(2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015 to approve the amendments to the Canning Bridge Activity Centre Plan as detailed in the amendment reports prepared by the City of Melville included at **Attachments (a) and (c)**; and
4. Advises the City of Melville of Council's resolution outlined in Points 1 to 3.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The Canning Bridge Activity Centre Plan (CBACP) has been prepared in conjunction with the City of South Perth and City of Melville to provide guidance for development of the Canning Bridge Activity Centre Plan area. This area is recognised as an 'activity centre' under the Western Australian Planning Commission's State Planning Policy 4.2: Activity Centres for Perth and Peel.

The activity centre area comprises the walkable catchment of the Canning Bridge bus and rail interchange and includes land within the City of South Perth and the City of Melville.

The CBACP was developed over a number of years (2010 to 2015) and endorsed by the Western Australian Planning Commission (WAPC), with modifications, on 19 December 2015. The Minister for Planning approved the document subject to minor modifications in April 2016. The CBACP became operational in the City of Melville upon this approval, and operational within the City of South Perth following the gazettal of Amendment No. 47 in February 2017.

As the CBACP includes land within both the City of Melville and the City of South Perth, the Department of Planning, Lands and Heritage (DPLH) have previously advised in March 2018 that both local governments should prepare a report whenever an amendment is proposed to the CBACP.

Comment

The City of Melville has resolved to endorse two separate amendments to the CBACP. The details of both amendments and the impact that they will have on the City of South Perth is outlined below.

Limit to Bonus Height

At a Special Meeting of Council held on 27 November 2019, the City of Melville Council endorsed the following modification to the CBACP:

"Modification to paragraph one of the pre-requisites to the Bonus Provisions associated with Elements 21 and 22 of the Canning Bridge Activity Centre Plan by adding an additional sentence: "In the M10 and M15 quarters of Kintail and Ogilvie (those quarters within the City of Melville), the maximum bonus height is 1/3rd of the applicable heights permitted in Element 3."

The minutes of this meeting are contained in **Attachment (a)** and the report submitted to the WAPC is contained in **Attachment (b)**.

The intent of this modification is to introduce a maximum bonus height limit where no limit currently exists. This is in response to a number of developments being approved with bonus height in excess of what may have been envisioned by the Plan.

Within the City of South Perth, it should be noted that the CBACP already contains provisions to limit the maximum bonus height available (maximum 5 storey bonus height) within the M10 zone. There is however no maximum bonus height provision within the M15 zone. The M15 zone covers a considerably smaller area within South Perth compared to Melville and, together with the minimum lot areas required for bonuses, this means only a limited number of developments will be eligible for bonus height. Further, South Perth has a requirement for 6 star Green Star (compared to Melville's 5 star requirement) meaning any developments will be exceptionally high environmental quality. These existing provisions are considered to be appropriate for the City of South Perth.

It is recommended that Council supports the above proposed amendment to the CBACP proposed by the City of Melville as it will not impact on the City of South Perth. The proposed amendment will only affect development within Q1 and Q2, being those quarters within the City of Melville.

Ceding of Land for Road Widening as a Community Benefit

At an Ordinary Meeting of Council held on 18 February 2020, the City of Melville Council endorsed the following modification to the CBACP:

"Amend Element 22.1.10 to read:

22.1.10 Where the development includes a lot boundary that adjoins Canning Highway and where road widening is required adjoining Canning Highway; the applicant proposes to cede land adjoining Canning Highway free of charge to the State of Western Australia for the purposes of road widening. In such case, the area ceded will be included in the total area calculations for the purpose of Clause 2.2 and 2.3 and/or Clause 21.2 and 21.3."

The minutes of this meeting are contained in **Attachment (c)** and the report submitted to the WAPC is contained in **Attachment (d)**.

The intent of this modification is to make clear that this requirement only applies to land along Canning Highway that is required to be ceded to the State of Western Australia due to it being within a road widening reserve and not any other situation. This amendment is in response to a number of development applications submitted within the CBACP area at locations not directly abutting Canning Highway, that have sought recognition of the ceding of road widening land as a community benefit.

It is recommended that Council supports the above proposed amendment to the CBACP as it clarifies the existing requirement.

Consultation

The City is not required to advertise an amendment to an Activity Centre Plan if, in the opinion of the City, the amendment is of a minor nature as set out in Schedule 2, clause 45(3) of the Planning and Development (Local Planning Schemes) Regulations 2015. Given the modifications proposed to the CBACP only affect land within the City of Melville or clarify an existing requirement, the City considers advertisement of the proposed amendments to owners and occupiers within the City of South Perth to be unnecessary. This approach is consistent with the City's decision not to undertake public advertisement for amendments proposed to the CBACP by the City of Melville in March 2018 and April 2019.

Policy and Legislative Implications

The processes relating to adopting and modifying activity centre plans are outlined in Part 5 of the Deemed Provisions. This report and the associated recommendations are required in accordance with Regulation 36 of the Deemed Provisions.

Financial Implications

Nil

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	(A) Develop a local planning framework to meet current and future community needs and legislative requirements

Attachments

- | | |
|-------------|---|
| 10.3.6 (a): | Minutes of Special Meeting of Council 27 November 2019 - City of Melville |
| 10.3.6 (b): | Amendment Report to WAPC - Bonus Building Height |
| 10.3.6 (c): | Minutes of Ordinary Council Meeting 18 February 2020 - City of Melville |
| 10.3.6 (d): | Amendment Report to WAPC - Road Widening Community Benefit |

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments - February 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-20876
Meeting Date:	24 March 2020
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 February 2020 and 29 February 2020 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(591)	\$3,944,387.39
Cheque Payment to Creditors	(9)	\$21,053.40
Total Monthly Payments to Creditors	(600)	\$3,965,440.79
EFT Payments to Non-Creditors	(39)	\$262,800.45
Cheque Payments to Non-Creditors	(19)	\$7,341.96
Total EFT & Cheque Payments	(658)	\$4,235,583.20
Credit Card Payments	(7)	\$17,404.81
Total Payments	(665)	\$4,252,988.01

0320/031

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That the Council receives the Listing of Payments for the month of February 2020 as detailed in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

Regulation 11 of the Local Government (Financial Management) Regulations 1996 requires the development of procedures to ensure the approval and authorisation of accounts for payment. These controls are documented in Policy P605 - Purchasing and Invoice Approval and Delegation DM605 sets the authorised purchasing approval limits.

After an invoice has been matched to a correct Goods Receipt Note in the financial system, payment to the relevant party must be made and the transaction recorded in the City's financial records. Payments in the attached listing are supported by vouchers and invoices.

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. The payment listing for February 2020 is included at **Attachment (a)**.

It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability.

In accordance with the Council resolution on 26 March 2019, the attached report includes a "Description" for each payment. Officers provide a public disclaimer in that the information contained within the "Description" is unlikely to accurately describe the full nature of each payment. In addition, officers have used best endeavours to redact (in black) information of a private or confidential nature.

The report records payments classified as:

- **Creditor Payments**

These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.

- **Non Creditor Payments**

These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.

- **Credit Card Payments**

Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are directly debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Consultation

Nil.

Policy and Legislative Implications

Regulation 11 of the Local Government (Financial Management) Regulations 1996.
Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

Attachments

10.4.1 (a): Listing of Payments February 2020

10.4.2 Monthly Financial Statements - February 2020

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-20880
Meeting Date:	24 March 2020
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

The monthly Financial Statements are provided within the **Attachments (a)–(i)**, with high level analysis contained in the comments of this report. The commencement of new accounting software (1System Project) on 1 July 2019, required all reports to be recreated. Report refinement is an ongoing task.

0320/032

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That Council notes the Financial Statements and report for the month ended 29 February 2020.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D’Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2019/20 budget adopted by Council on 25 June 2019, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains the Original Budget and Revised (Adjusted) Budget, allowing comparison between the adopted budget and any budget adjustments approved by Council.

Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance the Local Government (Financial Management) Regulations 1996. This financial report is unique to local government drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding.

Commencement with the new accounting software (1System Project) on 1 July 2019 has created some challenges as the budget was based on the Chart of Accounts within Authority, the old financial system. These budgets were loaded and reported within the Chart of Accounts in the Technology One CiAnywhere Finance System (1System Project). This results in some of the Budgets vs Actuals appearing in the reports slightly differently, report refinement is an ongoing task. This does not affect the overall budget for each business unit, rather the detailed lines within. These budget adjustments (with nil effect) along with other budget review adjustments, was approved by Council at the Ordinary Council Meeting held 25 February 2020. The Budget Review entries have been processed, phasing was also revised during this process. In certain instances the reallocation of actual expenditure was also required, review and reallocation where appropriate is an ongoing task.

Actual income from operating activities for February year-to-date (YTD) is \$54.00m in comparison to budget of \$53.82m. Actual expenditure from operating activities for February is \$39.06m in comparison to budget of \$40.17m. The February Net Operating Position of \$14.93m was \$1.29m favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.08m in comparison to the budget of \$2.23m. Actual Capital Expenditure YTD is \$7.41m in comparison to the budget of \$7.62m.

Cash and Investments balance is \$61.70m. This balance is reducing more noticeably as we are moving closer to the end of the financial year because the greater part of cash collection of rates revenue occurs at the beginning of the financial year and project spending peak toward the end of the financial year. Consistent with previous monthly reports, this information is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 Investment of Surplus Funds being met. Currently the City holds 46.32% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and regulation 34 and 35 of the Local Government (Financial Management) Regulations 1996.

Financial Implications

The preparation of the monthly financial reports occurs from the resources provided in the annual budget.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

Attachments

10.4.2 (a):	Statement of Financial Position
10.4.2 (b):	Statement of Change in Equity
10.4.2 (c):	Statement of Financial Activity
10.4.2 (d):	Operating Revenue & Expenditure
10.4.2 (e):	Significant Variance Analysis
10.4.2 (f):	Capital Revenue & Expenditure
10.4.2 (g):	Statement of Council Funds
10.4.2 (h):	Summary of Cash Investments
10.4.2 (i):	Statement of Major Debtor Categories

10.4.3 Local Government House Trust - Deed of Variation

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-20882
Meeting Date:	24 March 2020
Author(s):	Toni Fry, Governance Coordinator
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report is in regard to a request from WALGA to have Council consent to a variation to the Trust Deed for the Local Government House Trust as the City is a unit holder and beneficiary.

0320/033

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Glenn Cridland

That Council consent to the variations to the Local Government House Trust Deed of Variation as per **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The City received an email from WALGA CEO, Mr Nick Sloan seeking Council's consent to a variation to the Trust Deed for the Local Government House Trust (The Trust).

The City is a unit holder and beneficiary to the Trust, holding 10 units.

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75% of all beneficiaries in order to execute the variation. WALGA is requesting consent for the Trustee to formally execute the attached Deed of Variation, the City is not being asked to sign the Deed.

Comment

The Trust exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade, West Leederville.

The current Trust Deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies “upon Trust” and in proportion to the units provided.

The commencement date of the current Deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to Division 1AB of the *Income Tax Assessment Act 1936*.

The Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust’s income tax exempt status by strengthening the position that the Trust is a STB.

Legal advice identified that the Trustee’s ability to retire and appoint a new Trustee might affect the Trust’s classification as a STB. This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee’s power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation);
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation); and
3. ensuring that the Board of Management is the ‘governing body’ of the Trust (Clause 2.3 of the Deed of Variation).

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. ~~The Subject to clause 22.3, the~~ right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust; and
- (b) appoint such new or additional Trustee.

3. Variation 2.3 insert a new clause 13A**13A Delegation to the Board of Management**

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision making and governance

Attachments

10.4.3 (a):	Local Government House Trust - Deed of Variation
10.4.3 (b):	Clause 12 of Trust Deed 1994

10.4.4 Tender 5/2020 Provision of Catering Services

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Reference:	D-20-20885
Meeting Date:	24 March 2020
Author(s):	Shonay Mitkus, Governance and Facilities Officer
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report considers submissions received from the advertising of Tender 5/2020 for the Provision of Catering Services.

This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

0320/034

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That Council:

1. Accepts the tender submitted by The Trustee for the C. Fogliani Family Trust trading as Indigo Bay Catering for the Provision of Catering Services in accordance with Tender Number 5/2020 for the period of two years with an option to renew for a further two years at the City's sole discretion; and
2. Accepts the estimated tender price of \$687,464 (excluding GST) as included in **Confidential Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

A Request for Tender (RFT) 5/2020 for the Provision of Catering Services was advertised in The West Australian on Saturday 18 January 2020 and closed at 2.00pm on Tuesday 4 February 2020.

Tenders were invited as a Schedule of Rates.

The contract is for the period of two years with an option to renew for a further two years at the City's sole discretion.

Comment

At the close of the tender advertising period 11 submissions had been received and these are tabled below:

TABLE A – Tender Submissions

Tender Submissions
Workpower Incorporated
Ultimo Catering and Events Pty Ltd
The Trustee for the C. Fogliani Family Trust trading as Indigo Bay Catering
Terra Food Holding Pty Ltd trading as Angelo Street Market
Prestige Catering and Event Hire Pty Ltd
Markovich Family Trust trading as Temptations Catering
Kerrie D's Kitchen
Heart in Hospitality Pty Ltd trading as Fresh Convenience Catering
Beaumonde Hospitality Australia Pty Ltd
Alexander Mills Pty Ltd
Acclaimed Pty Ltd

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated ability to perform on time and budget	30%
2. Works record and experience	20%
3. Scope of Service – key personnel skills and experience	30%
4. Satisfactory resources to complete works	20%
Total	100%

Based on the assessment of all submissions received for Tender 5/2020 Provision of Catering Services, it is recommended that the tender submission from The Trustee for the C. Fogliani Family Trust trading as Indigo Bay Catering be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation report – **Confidential Attachment (a)**.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995* (the Act).

Policy and Legislative Implications

Section 3.57 of the Act requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 - Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest

Financial Implications

The cost of the contract for this financial year is included in the 2019/2020 budget.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

Attachments

10.4.4 (a): Recommendation Report (*Confidential*)

10.4.5 Health Amendment Local Law

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-21362
Meeting Date:	24 March 2020
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report considers an undertaking that is to be provided to the Joint Standing Committee on Delegated Legislation relating to the recently adopted City of South Perth Health Amendment Local Law 2019.

0320/035

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Glenn Cridland

That Council resolves to provide an undertaking to the Joint Standing Committee on Delegation Legislation that when the City of South Perth Health Amendment Local Law 2019 is next amended or reviewed, that the City will:

1. (a) Amend Clause 47 to provide clarity that the 'second' instance of Clause 130 in the Principal Local Law is being amended.
- (b) Make all necessary consequential amendments.

And that until the Local Law is amended in accordance with undertaking 1:

2. (a) The City will not enforce the Local Law in a manner contrary to undertaking 1.
- (b) Where the Local Law is made publicly available, whether in hard copy or electronic form (including on the City's website), ensure that it is accompanied by a copy of these undertakings.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

In accordance with section 3.16 of the *Local Government Act 1995* (the Act), local governments are required, within a period of eight years, to review their local laws to determine whether or not it considers the local law should be repealed or amended. The Health Local Law 2002 was published in the Government Gazette on 22 November 2002 and commenced on 6 December 2002. This local law had one review in 2012 where Council resolved not to pursue the review until the Public Health Act was proclaimed. The Public Health Act was subsequently proclaimed in 2016.

In accordance with the Act, a review was completed that identified amendments to the local law were necessary. Some provisions of the local law were superseded with the introduction of the *Public Health Act 2016* and the *Cat Act 2011*. Therefore, to ensure the City of South Perth Health Local Law 2002 was in keeping with current legislation and administrative requirements, minor amendments were required.

In accordance with the Council resolution from 25 June 2019 and section 3.12(3) of the Act, statewide public notice of the City's intention to make the local law was advertised in the West Australian newspaper on 10 July 2019, the Southern Gazette on 11 July 2019 and the City's website with the closing date for public submissions being 30 August 2019. A copy was provided to the Minister for Local Government; Heritage; Culture and the Arts and to the Deputy Premier; Minister for Health; Mental Health in accordance with sections 3.12(3)(a) and 3.12(3)(b) respectively.

The City received only one submission in relation to the proposed local law, that being from the Department of Local Government, Sport and Cultural Industries (the Department) suggesting formatting improvements.

At its meeting held 26 November 2019, Council subsequently resolved as follows:

That Council, pursuant to section 3.12 of the Local Government Act 1995, make the City of South Perth Health Amendment Local Law 2019 as contained in Attachment (a) which provides a statutory means to effectively control issues that have the ability to adversely impact on the health and well-being of the community.

As Council resolved to make the City of South Perth Health Amendment Local Law 2019, the City was required to publish the local law in the Government Gazette, provide a copy to the Minister for Local Government; Heritage; Culture and the Arts and to the Deputy Premier; Minister for Health; Mental Health, and to give local public notice that the local law has been made. In addition, the City was required to provide a copy of the local law and an explanatory memorandum prepared in accordance with the Minister's Local Laws Explanatory Memoranda Directions 2010 to the State Government's Joint Standing Committee on Delegated Legislation.

Comment

The City has now received a letter from the Joint Standing Committee on Delegated Legislation that recognised the original local law contained a numbering error that the current City of South Perth Health Amendment Local Law 2019 sought to correct. However, correcting this error could create some confusion with clause 130.

Clause 130(2) was amended by deleting the words “Manager, Environmental Health & Regulatory Services” and inserting the words “City”. However, with the renumbering of all the clauses to correct the error, it was unclear whether the original clause 130(2) was to be amended or the renumbered clause 130(2). Therefore, the Joint Standing Committee on Delegated Legislation required an undertaking that this would be corrected when the City next reviewed or amended the Health Local Law 2002.

The Joint Standing Committee on Delegated Legislation requires Council to make this resolution by 31 March 2020.

Consultation

Nil.

Policy and Legislative Implications

Part 3, Division 2 of the *Local Government Act 1995*.

Financial Implications

Nil

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

Attachments

Nil

10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.7.1 Terms of Reference - Property Committee

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-20886
Meeting Date:	24 March 2020
Author(s):	Toni Fry, Governance Coordinator
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

Terms of Reference for the Property Committee have been developed and are now presented for consideration by the Committee and referral to Council for adoption.

0320/036

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That the Property Committee recommends to Council that it adopts the Property Committee Terms of Reference as contained in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The Property Committee's Terms of Reference have not been reviewed since 2016 and they did not provide an objective or responsibilities for the Committee. In line with best practice and good governance the Terms of Reference have been reviewed and amended as per **Attachment (a)** for consideration and adoption by Council.

Comment

The Terms of Reference will provide:

- Officers with guidance on the type of reports that are eligible to be submitted to this particular Committee; and
- The Committee with its objectives, areas of responsibility and structure.

10.7.1 Terms of Reference - Property Committee

The Terms of Reference are to be reviewed in line with the appointment of Elected Members to the Committee following the local government elections.

Consultation

Nil.

Policy and Legislative Implications

Section 5.8 of the *Local Government Act 1995* enables Council to establish a Committee.

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

Attachments

10.7.1 (a): Property Committee Terms of Reference

Councillor Carl Celedin disclosed an Impartiality Interest in relation to the following Item as he was a social member of the Manning Bowling Club in 2017.

10.7.2 Lease for the Manning Memorial Bowling Club at Lot 300, No. 1590 Challenger Avenue, Manning

Location:	Lot 300, No. 1590 Challenger Avenue Manning
Ward:	Manning Ward
Applicant:	Not Applicable
File Ref:	D-20-20887
Meeting Date:	24 March 2020
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

To seek Council approval to enter into a new lease with the Manning Memorial Bowling Club for a 21 year term.

0320/037

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That the Property Committee recommends to Council that it:

1. Approves a new lease between the City of South Perth and the Manning Memorial Bowling Club at Lot 300, No. 1590 Challenger Avenue, Manning for a period of 21 years at an annual rental of \$2,500 per annum (exclusive of GST) reviewed every three years; and
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new lease documentation between the City of South Perth and the Manning Memorial Bowling Club at Lot 300, No. 1590 Challenger Avenue, Manning.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The Manning Memorial Bowling Club (Club) is located on Lot 300, No. 1590 Challenger Avenue, Manning, which is a portion of Crown reserve 24329 under a Management Order to the City. Lot 300 has a total area of 9567 sqm and comprises a portion of the land contained in Certificate of Title Volume 3136 Folio 436. The reserve is for the purpose of recreation and park, and the City has the power to lease for any term not exceeding 21 years subject to the approval of the Minister for Lands.

The subject site has been leased by the City to the Club since 1959 for bowling club and ancillary purposes. The Club entered into the last lease on 1 July 2014 for a five year term with an annual rental of \$2,500 plus GST. That lease contained a renewal clause in favour of the Club if there are no outstanding breaches of the lease at the expiry of the term, and if the Club had given three months written notice of the intention to renew prior to the expiry date of the lease.

The Club wrote to the City on 3 June 2019 requesting a new lease of the premises for another five year period. However, this request was not received three months prior to the expiry of the lease. The Club has continued occupation of the premises under a holding over clause in the lease.

Comment

A new lease has been developed with the Club based on the same terms and conditions as their previous lease. However, it is proposed that the new lease be for a term of 21 years, the maximum allowable, rather than a five year term as has been the previous case. Granting a new lease of the premises for 21 years will ensure continued provision of bowling facilities at this location.

It is therefore recommended that the new lease be approved.

Consultation

The City has been in consultation with the Club over the lease and they have agreed to the terms and conditions.

The City has received Ministerial consent for the new lease to the Manning Memorial Bowling Club.

Policy and Legislative Implications

Under Section 3.58 of the *Local Government Act 1995* (the Act), a disposition of land includes leasing of local government property. If a local government does not dispose of the property via a public auction or the public tender method, the proposal must be advertised for public comment – unless the proposal is an ‘exempt’ disposition.

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes. Therefore, the Club is exempt from section 3.58 of the Act.

Financial Implications

The City will be responsible for the cost of preparation and lodgement of the lease document.

The new lease has an annual rental income of \$2,500 per annum (exclusive of GST), which is reviewed every three years. The rent review will be based on 0.1% of the replacement value of the premises.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community.
Outcome:	Community infrastructure
Strategy:	Manage the use and development of the City's properties, assets and facilities

Attachments

Nil

Councillor Glenn Cridland disclosed an Impartiality Interest in relation to the following Item as his daughter plays tennis at the Hensman Park Tennis Club.

Councillor Mary Choy disclosed an Impartiality Interest in relation to the following Item as her children have previously attended tennis lessons at the Hensman Park Tennis Club and are likely to again in the future and they also attend a local school which may use their services and facilities.

10.7.3 Proposed lease for the Hensman Park Tennis Club at Lot 300, No. 30 Anstey Street South Perth

Location:	Lot 300, No. 30 Anstey Street, South Perth
Ward:	Mill Point Ward
Applicant:	Not Applicable
File Ref:	D-20-20888
Meeting Date:	24 March 2020
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

To seek Council's approval to enter into a new lease with the existing tenant Hensman Park Tennis Club and to execute the lease documentation for a 21 year term.

0320/038

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That the Property Committee recommends to Council that it:

1. Approves a new lease between the City of South Perth and the Hensman Park Tennis Club at Lot 300, No. 30 Anstey Street, South Perth for a period of 21 years at an annual rental of \$1,380 per annum (exclusive of GST) reviewed every three years; and
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the new lease documentation between the City of South Perth and the Hensman Park Tennis Club at Lot 300, No. 30 Anstey Street, South Perth.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The Hensman Park Tennis Club (Club) is located on Lot 300, No. 30 Anstey Street, South Perth, which is a portion of Crown reserve 3617 under a Management Order to the City. Lot 300 has a total area of 13,267 sqm and comprises a portion of the land contained in Certificate of Title Volume 3157 Folio 177. The reserve is for the purpose of recreation and park, with the power to lease for any term not exceeding 21 years subject to the approval of the Minister for Lands.

The subject site has been leased by the City since 1986 to the Club for tennis club and ancillary purposes. The Club entered into the last lease on 1 July 2013 with an annual rental of \$1,380 plus GST. That lease contained a renewal clause in favour of the Club if there are no outstanding breaches of the lease at the expiry of the term, and if the Club had given three months written notice of the intention to renew prior to the expiry date of the lease.

The Club wrote to the City on 24 September 2018 requesting to exercise the option to extend the lease. However, this request was not received three months prior to the expiry of the lease. The Club's lease expired on 30 June 2018 with the Club continuing occupation of the premises under a holding over clause in the lease.

Comment

A new lease has been developed with the Club based on the same terms and conditions as their previous lease although it is proposed to change the term of the lease to 21 years in line with the City's bowling clubs. Granting a new lease of the premises for 21 years will ensure continued provision of tennis facilities at this location.

It is therefore recommended that the new lease be approved.

Consultation

The City has been in consultation with the Club over the lease and they have agreed to the terms and conditions. In addition, the City has received Ministerial consent for the new lease to the Club.

Policy and Legislative Implications

Under Section 3.58 of the *Local Government Act 1995* (the Act), a disposition of land includes leasing of local government property. If a local government does not dispose of property via a public auction or the public tender method, the proposal must be advertised for public comment – unless the proposal is an 'exempt' disposition.

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes. Therefore, the Club is exempt from section 3.58 of the Act.

Financial Implications

The City will be responsible for the cost of preparation and lodgement of the lease document.

The new lease has an annual rental income of \$1,380 per annum (exclusive of GST), which is reviewed every three years. The rent review will be based on 0.1% of the replacement value of the premises.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community.
Outcome:	Community infrastructure
Strategy:	Manage the use and development of the City's properties, assets and facilities

Attachments

Nil

10.7.4 Economic Development Strategy

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-20-20924
Meeting Date:	24 March 2020
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy:	2.1 Local Business

Summary

This report refers to the Economic Discussion paper presented to the Property Committee in August 2019 and recommends that the City develops an Economic Development Strategy.

0320/039

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

The Property Committee recommends to Council that an Economic Development Strategy is considered as part of the 2020/21 budget deliberations.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

At its meeting held 26 February 2019, Council resolved:

That Council:

- 1. Prepares a discussion paper on the promotion of economic development in the City.*
- 2. The discussion paper is presented to Council as part of the 2019/20 budget deliberations.*

On 14 May 2019, a workshop was held with Councillors on economic development where a snapshot of the economic portfolio of the City was discussed. The workshop also enabled Councillors to provide feedback on the development of the economic discussion paper. Following the workshop, an economic discussion paper began to be developed.

At the Property Committee meeting held 19 August 2019, the economic development paper was presented **Attachment (a)**. This paper was developed by Pracsys and covered critical success factors for the City. This paper included:

1. What is economic development and how economic development factors feed into wider local government decision making
2. The role of local government in economic development (control, influence, monitor)
3. A high level overview of potential economic development opportunities/directions in South Perth including background data analysis of local businesses, employment and land uses
4. The role of stakeholder consultation and an overview of the process and techniques
5. The structure of an economic development strategy and key components
6. Recommendations.

The Economic Development Discussion Paper was a comprehensive document that provided a good overview of economic development in the City and provided future discussion points for Elected Members.

Then, at its meeting held 24 September 2019, Council resolved that:

1. *The Property Committee receives the Economic Development Discussion Paper; and*
2. *A further report be presented to the Property Committee on the development and implementation of an Economic Development Strategy.*

The last City of South Perth Economic Development Strategy was developed with the assistance from Hester Property Solutions and covered the period 2013-2016. The Strategy focused on actions that were critical and within the capacity of the City to influence. This included:

- Economic development leadership and facilitation
- Urban place-making and revitalisation
- Marketing/promotion
- Strategic property management.

Comment

The discussion paper developed by Pracsys recommended that the City undertake the preparation of an Economic Development Strategy. The City supports this recommendation and believes a strategy is a key starting point in promoting economic development opportunities within the District.

To develop a strategy, significant community engagement is needed to:

1. Help understand the local factors influencing the capacity for growth of population and business;
2. Understand the perceptions regarding the benefits and constraints associated with operating businesses within the City; and
3. Identify activities that the City could develop to contribute to the City's economy.

Consultation

Consultation will be needed with officers, Elected Members and the community to develop a long term Economic Development Strategy for the City.

Policy and Legislative Implications

Nil.

Financial Implications

The City does not have a staffing position to undertake economic development and therefore the work will need to be outsourced. The City has received quotes that indicate the development of an Economic Development Strategy will cost approximately \$50,000 ex GST to prepare. There is no budget allocation for this work.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Economy
Aspiration:	A thriving City activated by innovation, attractions and opportunities.
Outcome:	Local business
Strategy:	Embrace and facilitate unique events and attractions on or near foreshore areas and reserves around the City

Attachments

10.7.4 (a): City of South Perth Economic Development Discussion Paper

10.7.5 Compliance Audit Return

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-20-20897
Meeting Date:	24 March 2020
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report provides the City's response to the Department of Local Government, Sport and Cultural Industries 2019 Compliance Audit Return.

0320/040

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Adopts the attached Department of Local Government, Sport and Cultural Industries Compliance Audit Return for the period 1 January 2019 to 31 December 2019; and
2. Authorises the certification to be jointly completed by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The City is required to carry out an annual audit of statutory compliance in accordance with Regulation 14 of the Local Government (Audit) Regulations 1996. The Department of Local Government, Sport and Cultural Industries distributed a Compliance Audit Return for the period 1 January 2019 to 31 December 2019 which focused on those areas considered high risk in accordance with the *Local Government Act 1995* and associated regulations.

Comment

The 2019 Compliance Audit Return contains the following compliance categories:

- Commercial Enterprises by Local Governments;
- Delegation of Power/Duty;
- Disclosure of Interest;
- Disposal of Property;
- Elections;
- Finance;
- Integrated Planning and Reporting;
- Local Government Employees;
- Official Conduct;
- Optional Questions; and
- Tenders for Providing Goods and Services.

Each section of the 2019 Compliance Audit Return was completed by the relevant business unit.

No items of non-compliance were identified for the 2019 Compliance Audit Return.

Consultation

The 2019 Compliance Audit Return was circulated to the relevant Business Unit Managers.

Policy and Legislative Implications

In accordance with Regulation 14 of the Local Government (Audit) Regulations 1996 the completed 2019 Compliance Audit Return is to be reviewed and the results presented to Council. Following Council's adoption, the 2019 Compliance Audit Return must be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2020.

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

Attachments

10.7.5 (a): Compliance Audit Return 2019

10.7.6 Annual Review of Council Delegations

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-20459
Meeting Date:	24 March 2020
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

The City has a statutory obligation under the *Local Government Act 1995* to review its Delegations each financial year. The Terms of Reference of the Audit Risk and Governance Committee include responsibility for reviewing the City's delegations.

A review of the Council Delegations has been completed and is now presented for consideration of the Committee and referral to Council for adoption.

0320/041

COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Mayor Greg Milner

That in accordance with Clause 17.1 of the City of South Perth Standing Orders Local Law 2007 the meeting be suspended to allow Council to discuss how to proceed on this Item.

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Discussion ensued.

COUNCIL DECISION

Moved: Mayor Greg Milner
Seconded: Councillor Carl Celedin

That Clause 17.1 of the City of South Perth Standing Orders Local Law 2007 be reinstated.

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Officer Recommendation

Moved: Councillor Glenn Cridland
Seconded: Councillor Stephen Russell

That the Audit, Risk and Governance Committee recommends to Council to approve the new and amended delegations contained in **Attachment (a)**.

Amendment

Moved: Councillor Ken Manolas
Seconded: Councillor Blake D'Souza

That the following words be added after the word 'Attachment (a)' in the Officers Recommendation *with the following amendment:*

- *That Delegation DC690 part 2(b) be reworded as follows:*
'(b) Residential development which is 9.0 metres or higher, or comprises 10 or more dwellings'

The amendment was CARRIED (5/3) and formed part of the substantive motion.

For: Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Mayor Greg Milner and Councillors Carl Celedin, Glenn Cridland.

The substantive motion was reworded as follows:

0320/042

COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Councillor Stephen Russell

That the Audit, Risk and Governance Committee recommends to Council to approve the new and amended delegations contained in **Attachment (a)** with the following amendment:

- That Delegation DC690 part 2(b) be reworded as follows:
‘(b) Residential development which is 9.0 metres or higher, or comprises 10 or more dwellings’

CARRIED BY ABSOLUTE MAJORITY (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D’Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

The purpose of this review is to consider the operational effectiveness of the current delegations, whether they remain relevant and appropriate and whether legislative amendments or organisational changes necessitate any revisions to the text.

Comment

All Delegations have been reviewed with the following Delegations requiring amendment:

- DC609 Leases and Licences
- DC690 Town Planning Scheme 6

A small summary explaining the changes has been provided below:

DC609 Leases and Licences

This delegation has been amended to include a reference to the Collier Park Village so that Officers can amend rental agreements of less than two years, including changes to the terms, conditions and fees.

It is also suggested that the delegation refer to ‘educational institutions’ rather than identifying the establishment individually. This will then include universities and high schools.

DC690 Town Planning Scheme 6

It is recommended that the following clauses in schedule 1 be amended as follows:

- Clause 1(k) to be deleted as this was introduced to respond to a specific Development Approval site only and is no longer considered relevant.
- Clause 2(b) to be amended to streamline requirement processes. For example, it will remove the requirement of a three story house having to be considered by Council.
- Clause 5 to be deleted. Due to the Council meeting cycle, it is not possible to meet the WAPC 42 day subdivision referral timeframe.
- Clause 7 to be deleted as this is a statement and not a delegation and is always undertaken as part of the assessment of Development Approvals.
- Clause 8 to be deleted as the decision as to whether an application is considered by Council should not rest with the applicant.

The proposed new Delegations and the amended Delegation can be viewed in **Attachment (a)**.

Consultation

Consultation has occurred with officers of each of the relevant Departments.

Policy and Legislative Implications

Section 5.46(2) of the Act requires all delegations to be reviewed at least once each financial year.

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

Attachments

10.7.6 (a): Delegations

Councillor Ken Manolas departed the Chamber at 8.47pm and returned at 8.48pm during consideration of this Item.

10.7.7 Annual Policy Review

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-20460
Meeting Date:	24 March 2020
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

The City has a statutory obligation under the *Local Government Act 1995* to review its policies each financial year. The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's policies. The annual review of a number of City policies are now presented for the consideration of the Committee and referral to Council for adoption.

Officer Recommendation

Moved: Councillor Glenn Cridland

Seconded: Councillor Carl Celedin

That the Audit Risk and Governance Committee recommends to Council that it:

1. Notes that the following policies having been reviewed with 'no changes' being proposed:
 - P102 Community Funding Program
 - P105 Cultural Services and Activities
 - P107 Access and Inclusion
 - P108 Honorary Freeman of the City
 - P110 Support of Community and Sporting Groups
 - P112 Community Advisory Groups
 - P204 Chemical Use
 - P205 Tree Preservation
 - P206 Urban Forest (Previously Street Trees)
 - P207 Natural Areas
 - P208 Ecologically Sustainable Building Design
 - P209 Shade Structures
 - P211 Water Sensitive Urban Design
 - P213 Phytophthora (dieback) Management
2. Adopts the following revised policies:
 - P101 Public Art and Art Collections
 - P103 Stakeholder Engagement
 - P104 Community Awards
 - P210 Street Verges
 - P212 Waste Management

P354 Stormwater Drainage Requirements for Proposed Buildings
 P511 Road Thoroughfare Infrastructure Management
 P669 Elected Member Development
 P695 Risk Management

3. Revokes the following Policy:
 P608 Dividend Policy Collier Park Golf Course
4. In accordance with the provisions of Schedule 2, clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015:
 - a. Adopts the new local planning policy P301 Advertising of Planning Proposals as set out in **Attachment (c)** for public comment for a period of not less than 21 days; and
 - c. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

Amendment One

Moved: Councillor Ken Manolas

Seconded: Mayor Greg Milner

That Recommendation 2 be reworded as follows:

2. Adopts the following revised policies **with the following amendment:**

P101 Public Art and Art Collections
 P103 Stakeholder Engagement
 P104 Community Awards
 P210 Street Verges
 P212 Waste Management
 P354 Stormwater Drainage Requirements for Proposed Buildings
 P511 Road Thoroughfare Infrastructure Management
 P669 Elected Member Development

- That no change is made to the second dot point under the heading **Attendance at Conferences, Seminars, Training Development Programs and Courses.**

P695 Risk Management

The amendment was CARRIED (5/3) and formed part of the substantive motion.

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas.

Against: Councillors Carl Celedin, Glenn Cridland and Stephen Russell.

Amendment Two**Moved:** Councillor André Brender-A-Brandis**Seconded:** Councillor Carl Celedin

That Recommendation 2 be reworded as follows:

2. Adopts the following revised policies **with the following amendment:**

P101 Public Art and Art Collections

P103 Stakeholder Engagement

P104 Community Awards

P210 Street Verges

P212 Waste Management

- Under the sub heading Multi-unit Complexes remove the paragraph that reads:

“The City may, at its sole discretion, charge an Annual Waste Fee to a Stata Management Company or Body Corporate of a group of rateable properties in lieu of charging each individual rateable property within a group to reflect the costs associated with waste management services in the City.”

P354 Stormwater Drainage Requirements for Proposed Buildings

P511 Road Thoroughfare Infrastructure Management

P669 Elected Member Development

- The second dot point under the heading Attendance at Conferences, Seminars, Training Development Programs and Courses remain as is.

P695 Risk Management

The amendment was LOST (3/5).**For:** Councillors André Brender-A-Brandis, Blake D’Souza, Ken Manolas.**Against:** Mayor Greg Milner and Councillors Carl Celedin, Mary Choy, Glenn Cridland, Stephen Russell.

The substantive motion was reworded as follows:

0320/043**COUNCIL DECISION****Moved:** Councillor Glenn Cridland**Seconded:** Councillor Carl Celedin

That the Audit Risk and Governance Committee recommends to Council that it:

1. Notes that the following policies having been reviewed with ‘no changes’ being proposed:

P102 Community Funding Program

P105 Cultural Services and Activities

P107 Access and Inclusion

P108 Honorary Freeman of the City
 P110 Support of Community and Sporting Groups
 P112 Community Advisory Groups
 P204 Chemical Use
 P205 Tree Preservation
 P206 Urban Forest (Previously Street Trees)
 P207 Natural Areas
 P208 Ecologically Sustainable Building Design
 P209 Shade Structures
 P211 Water Sensitive Urban Design
 P213 Phytophthora (dieback) Management

2. Adopts the following revised policies with the following amendment:

P101 Public Art and Art Collections
 P103 Stakeholder Engagement
 P104 Community Awards
 P210 Street Verges
 P212 Waste Management
 P354 Stormwater Drainage Requirements for Proposed Buildings
 P511 Road Thoroughfare Infrastructure Management
 P669 Elected Member Development

- That no change be made to the second dot point under the heading Attendance at Conferences, Seminars, Training Development Programs and Courses.

P695 Risk Management

3. Revokes the following Policy:

P608 Dividend Policy Collier Park Golf Course

4. In accordance with the provisions of Schedule 2, clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015:

- a. Adopts the new local planning policy P301 Advertising of Planning Proposals as set out in **Attachment (c)** for public comment for a period of not less than 21 days; and
- b. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

CARRIED BY ABSOLUTE MAJORITY (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Committee Recommendation

That the Audit Risk and Governance Committee recommends to Council that it:

1. Notes that the following policies having been reviewed with 'no changes' being proposed:

P102 Community Funding Program
 P105 Cultural Services and Activities
 P107 Access and Inclusion
 P108 Honorary Freeman of the City
 P110 Support of Community and Sporting Groups
 P112 Community Advisory Groups
 P204 Chemical Use
 P205 Tree Preservation
 P206 Urban Forest (Previously Street Trees)
 P207 Natural Areas
 P208 Ecologically Sustainable Building Design
 P209 Shade Structures
 P211 Water Sensitive Urban Design
 P213 Phytophthora (dieback) Management

2. Revokes the following Policy:

P608 Dividend Policy Collier Park Golf Course

3. In accordance with the provisions of Schedule 2, clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015:

- a. Adopts the new local planning policy P301 Advertising of Planning Proposals as set out in **Attachment (c)** for public comment for a period of not less than 21 days; and
- c. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

Absolute Majority required

Background

In line with contemporary organisational models, the policy framework aligns policies and delegations to the City's Strategic Directions.

During the review process, policies are considered by the custodian department having the relevant technical expertise in relation to the policy content and subsequently by the Executive Management Team (EMT) representing each of the City's Directorates.

The policy review centres on the continuing relevance of the policy and the need to update it in light of any change in the legislative or operating environment. The policy review may identify a need to revise the policy or it may determine that no change is needed. The nature of the change, whether minor or major, is noted in the Comment section below. Minor changes usually consist of minor typographical or grammatical corrections or revisions due to minor legislative amendments.

Major change will consist of significant revision to the content of the policy due to changes in the operational environment or because of more substantial legislative change.

Comment

Minor Changes

The Policies listed below are considered to have only minor administrative changes and no change to content needed therefore they are not included as attachments.

P102 Community Funding Program
P105 Cultural Services and Activities
P107 Access and Inclusion
P108 Honorary Freeman of the City
P110 Support of Community and Sporting Groups
P112 Community Advisory Groups
P204 Chemical Use
P205 Tree Preservation
P206 Urban Forest (Previously Street Trees)
P207 Natural Areas
P208 Ecologically Sustainable Building Design
P209 Shade Structures
P211 Water Sensitive Urban Design
P213 Phytophthora (dieback) Management

Major Changes

The policies listed below and at **Attachment (a)** are considered to have major changes to content. The content changes have been highlighted in red. A small summary explaining the changes has been provided.

P101 Public Art and Art Collections

This policy has been amended to expand the policy scope and to include guidelines for the effective acquisition, management and decommissioning of the City's public art and art collections. These proposed policy amendments were considered by the City's Public Art Advisory Group at its meeting in December 2019 and received its support.

P103 Stakeholder Engagement

Minor amendments have been suggested with changing the word "plan" to "guide" and the addition of information on engaging with stakeholders during holiday periods.

P104 Community Awards

Amendments have been recommended for the Community Citizen of the Year Awards to align with the eligibility criteria from the governing body, Auspire (formerly known as Australia Day Council of Western Australia). Minor amendments are also recommended to clarify the assessment process for the Dr Ted Maslen Memorial University Exhibition Award.

P210 Street Verges

Amendments to this policy are to improve the clarity of content. No material changes to the intent or requirements have been suggested.

P212 Waste Management

Minor amendments have been made to clarify the City's discretion under the relevant Act and to include references to multi-unit complexes.

P354 Stormwater Drainage Requirements for Proposed Buildings

Minor additions made to include reference to the design guidelines.

P511 Road Thoroughfare Management – Road Infrastructure, Environment, Roadside Traffic Management

The proposed amendments to this policy are to simplify the title and to also improve the clarity of content. No material changes to the intent or requirements have been made.

P669 Elected Member Development

In June 2017, the McGowan Government announced a review of the *Local Government Act 1995* (Act). Extensive consultation on the Act has occurred through each phase of the review through workshops, submissions and consultations. As a result of the consultation undertaken as part of phase one of the review, the Local Government Legislation Amendment Bill 2019 (Amendment Bill) passed both Houses of Parliament and obtained Royal Assent on 5 July 2019. The Royal Assent causes some sections to be operational, with the remainder awaiting Proclamation. The legislative changes include the requirement for a 'Continuing Professional Development' policy which is still awaiting Proclamation.

Policy P669 Elected Member Development was adopted by Council in December 2013. This policy, although covering many of the requirements of the Amendment Bill, has been reviewed and updated to align with the new proposed Division 10 of the Act.

Proposed amendments include renaming the policy from 'Elected Member Development' to 'Elected Member Continuing Professional Development', and including the requirement for an Elected Member training report to be published on the City's website. In addition, other minor grammatical changes have been made.

Included in this current policy is the ability for Elected Members to undertake the Australian Institute of Company Directors (AICD) course at the City's expense. The cost of this course is approximately \$11,000. A review of other local governments in the metropolitan area revealed that only three other councils paid 100% of the course, two Councils paid a portion the fee and 22 local governments did not directly fund Elected Members to undertake this course. It was suggested that this policy be amended to reflect that the City will pay for 50% of the costs for an Elected Member to undertake the AICD course.

This policy was considered by Council in October 2019 when the policy amendments were deferred to a future Audit, Risk and Governance Committee meeting. Since then, other suggested amendments have been made to this policy to remove reference to the CEO as this does not align with the intent of the policy. It is also suggested that the Elected Member training report that is to be published on the City's website also contain all conferences, seminars, professional development luncheons and networking events that Elected Members attend to promote transparency.

Due to recent changes in the Act this policy will require an Absolute Majority to be adopted.

P695 Risk Management

On 30 October 2018, Council endorsed a Risk Management Strategy. The objective of the strategy was to provide a structured organisational approach to identifying risks or potential risks with a view to implementing suitable treatments to responsibly control risk or exposure of risks. This Strategy contains most of the information contained within the Risk Management policy. Therefore, the policy has been amended so that it complements the Risk Management Strategy without a duplication of the information. It also provides clarity on the risk management responsibilities of people within the organisation.

This policy was previously presented to Council on 25 June 2019 when it was resolved to defer this item for further consideration. This policy has since been discussed at a Risk Management Workshop held on 10 February 2020 with further expert risk advice being provided by LGIS, the City's insurer. The suggested changes reflect the advice given by LGIS.

Policies to be revoked

The policies listed below and at **Attachment (b)** are to be revoked. A summary explaining the reason has been provided.

P301 Community Engagement in Planning Proposals

It is considered that this policy requires major reviews. Therefore, this policy will be revoked when the new Policy P301 Advertising of Planning Proposals listed below under 'New Policies' has been adopted.

P608 Dividend Policy Collier Park Golf Course

Due to peculiar accounting treatments this policy is not in line with accounting standards. Therefore, it is suggested this policy be revoked and the matter dealt with through the budget process instead.

New Policies

The policy listed below and at **Attachment (c)** is a new policy, a small summary explaining the policy has been provided.

P301 Advertising of Planning Proposals

P301 guides the formal advertising of planning proposals as required under the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations). It seeks to provide guidance on the method and manner in which each planning proposal is advertised to ensure that all potentially affected landowners, residents, state agencies and other stakeholders are provided with the opportunity to provide feedback.

This policy was last reviewed in 2016. Since this time the City has made significant improvements to the way it engages stakeholders on matters that may affect them. This is evidenced by the introduction of the stakeholder engagement business unit. A review has been undertaken of policy P301 to ensure that engagement on planning proposals is to a standard that meets both City and community expectations.

It is recommended that the existing P301 be revoked and replaced with a new policy and title that better reflects the intent of the policy: P301 Advertising of Planning Proposals. The new policy has been aligned with the WALGA model guidelines for advertising of planning proposals. It considers recent changes in the local and state government planning framework and the changing nature of engagement within the City. It is more legible and easier to administer and ensures that consultation is done in a more meaningful and targeted way.

The following major changes are proposed to improve the policy:

Major Changes	Reasoning
Removal of information only notification letters to adjoining properties required in certain circumstances.	Only those stakeholders considered likely to be affected by a proposal will be contacted and invited to comment
Simplification of the advertising requirements through: <ul style="list-style-type: none"> • Having all minimum advertising requirements shown on one table • Consistent requirements for all application types with more guidance provided on increasing advertising scope/timeframes where necessary • Alignment with WALGA guidelines 	<ul style="list-style-type: none"> • Easier for the community to understand • All advertising requirements provided in a transparent way • Improved guidance on varying the minimum advertising timeframes and advertising areas to ensure that all potentially affected stakeholders are consulted • An equitable, consistent and balanced approach to advertising requirements • An overall improvement on the existing policy provisions and layout
Reduction in the minimum advertising area for some developments and change in the method for measuring the advertising area	<ul style="list-style-type: none"> • Current advertising distances are considered to be excessive in area and often do not reach the people who are most likely to be affected • Use of a minimum radius from the subject property boundaries will include more properties in proximity to the development, rather than the existing model which is based on distance along streets

Removal of discussion around levels and type of engagement	<ul style="list-style-type: none"> • Addressed by local policy P103 Stakeholder Engagement • Not relevant as this policy relates to advertising only and not to general engagement on projects which is addressed by P103 Community Engagement
Remove advertising requirements for non-planning matters (dividing fences, renaming ROW's, road closures, etc.)	<ul style="list-style-type: none"> • Policy to focus on planning proposals only • Individual engagement plans for non-planning matters will be prepared for each project • Manager Development Services has discretion to vary any of the advertising requirements in the policy having regard to the proposal

Prior to adoption, this policy is required to be advertised for a minimum of 21 days in accordance with Schedule 2, clause 4 of the Regulations. Following this a further report will be presented to Council to consider the outcomes of consultation.

Consultation

Consultation has occurred with officers of each of the relevant business units and a workshop was held with Elected Members on Monday 3 February 2020.

Policy and Legislative Implications

The reviewed and new Policies are consistent with the *Local Government Act 1995*, relevant legislation and guidelines and other City documents.

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership
 Aspiration: A visionary and influential local government
 Outcome: Good governance
 Strategy: Empower effective and quality decision-making and governance

Attachments

10.7.7 (a): Amended policies
 10.7.7 (b): Policies to be Revoked
 10.7.7 (c): P301 Advertising of Planning Proposals

10.7.8 Draft Local Planning Policy - Exempt Land Use - Consent to Advertise

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-20917
Meeting Date:	24 March 2020
Author(s):	Fiona Mullen, Manager Development Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

Summary

This report considers the introduction of a trial Policy - P322 Exempt Land Uses - that has been prepared as part of the City's participation in the State Government's Action Plan for Planning Reform – participation in cutting red tape pilot project.

The key points of this initiative are to assist in helping to achieve the overarching goal of the Action Plan for Planning Reform, which is a consistent and efficient planning system, with a streamlined and state-wide 'change of use' development approval process for existing town centres, main streets, and other commercial and mixed-use centres.

The purpose of this report is to initiate advertising of a local planning policy that will exempt the need for planning approval of certain uses within the various mixed use zones in the City; this includes uses such as Shops, Offices, Consulting Rooms and Small Bars (amongst other uses).

The intent of the policy is to encourage economic activity within various mixed use zones of the City of South Perth by reducing regulatory costs and providing greater certainty to landowners and tenants. The policy does not exempt the need to comply with other legislation, such as that relating to noise, food handling, universal access and liquor licensing.

0320/044

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That Council, in accordance with the provisions of Schedule 2, Clauses 3 and 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Resolves to prepare Local Planning Policy P322 Exempt Land Uses as set out in **Attachment (a)**;
2. Publically advertises the Policy for a period of not less than 21 days; and
3. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For:	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.
Against:	Nil.

Background

In October 2019, officers attended an inception meeting of the 'Cutting Red Tape Project', an initiative of the State Government emanating from the Action Plan for Planning Reform released by the Minister for Transport, Planning in August 2019.

An overarching goal of the Action Plan for Planning Reform is a consistent and efficient planning system with one of the initiatives to help achieve this goal being the ability to make approvals easier for small businesses in commercial and mixed use centres.

The intended outcome for this initiative is a streamlined and state-wide consistent 'change of use' development approval process for existing town centres, main streets and other commercial and mixed-use centres.

To help achieve this initiative and outcome the Department of Planning, Lands and Heritage (DPLH) is partnering with the inner city local government group (City of Subiaco, Town of Vincent, Town of Victoria Park, City of Perth and City of South Perth), and the City of Fremantle to develop and test a framework for change of use development applications in these areas. The City of South Perth and other local governments have been selected due to the established nature of their commercial areas and the fact that a number already have processes in place to streamline approval processes for changes of use in certain areas.

The first component of this framework is the draft policy. The policy will be supported by an information package for those wishing to establish a business in the subject areas and the package will be developed by the group in conjunction with the DPLH and include relevant information on what is required to establish a business, including all relevant approvals, when and how to undertake the necessary tasks.

The policy will be tested with the group for 12 months and the outcomes reviewed. The trial and its outcomes are important to inform any refinements to the framework and inform any regulatory changes that may be required to support its wider implementation.

Planning & Development (Local Planning Schemes) Regulations 2015

The Regulations include a series of 'deemed provisions' which are automatically adopted under local planning schemes. Clause 61(2)(e) of the deemed provisions states as follows;

- '(2) Development approval of the local government is not required for the following uses –*
- (e) any other use specified in the local planning policy or local development plan that applies to the development as a use that does not require development approval'*

The deemed provision specified above allows the City to adopt a local planning policy that identifies uses that do not require the approval of the City.

Comment

Policy objectives and outcomes

The intent of the draft policy contained at **Attachment (a)** is to exempt the need for planning approval for uses the City wishes to encourage within the various non-residential/mixed use zones.

The objective of the policy is to contribute to greater economic activity within various mixed use zones within the City of South Perth. The policy will likely have the following outcomes:

- Provide lessees and lessors a greater certainty of the range of uses a building is capable of being occupied by;
- Reduce or remove the unnecessary regulatory burden on new businesses being established in the City of South Perth, with safe-guards included in the policy to protect local amenity; and
- A reduction in the number of development applications received by the City (albeit marginally) which in turn would provide a more effective planning team.

Land uses

Table 1 of the policy identifies the suite of uses that would be exempt in each zone. These uses have been identified for the following reasons:

- Historically they are the uses in which the City has received development applications for the zones listed in Table 1;
- The use has the potential to generate economic activity and activity to the street; the externalities of the use is managed by the City through health and building regulations (which will still apply) or through state government regulation (such as for licensed premises);
- The uses are those which should reasonably/typically occur within each zone.

Safeguard(s) to protect local amenity

Clause 2.0 of the policy includes a series of measures that aim to ensure local amenity is not compromised. Clause 2.0(a) allows the City to refuse to grant an exemption for any proposal it deems to be inconsistent with the objectives of the policy, or that could result in a loss of activation or amenity.

The provisions of the draft policy will apply to existing buildings only. This may include external balcony or alfresco areas, but not existing vehicle parking bays. Additionally, any use occupying a floor area greater than 400sqm is automatically not exempt under the policy.

In instances where a land use is not exempt under the policy, the normal change of use process applies.

Policy trial to be temporary

The draft policy includes a provision (refer 'Policy Application') that limits the application of the policy to a period of 12 months from the date of adoption. Nearer to this time, officers will provide a report to Council analysing the impact of the trial. Council will then consider whether to implement the policy permanently.

Consultation

Should Council resolve to adopt the policy for the purposes of public advertising it will be advertised for public comment for a period of at least 21 days in accordance with the Deemed Provisions. At the completion of the public advertising period, a further report will be referred to Council with recommendations incorporating comments received during the advertising period.

Policy and Legislative Implications

A planning Policy does not form part of a Scheme, and cannot bind the decision maker in respect of an application or planning matter. However, the decision maker is required to have due regard to the provisions and objectives of the Policy in making its decision.

In regard to planning policies, clause 3(1) of the Deemed Provisions states that the council may make a local planning policy in respect of any matter related to the planning and development of the Scheme area. The proposed policy ought to be appropriately adopted under that provision.

Financial Implications

The policy will have minor financial implications as a result of exempting certain land uses. The fee for a change of use application is \$295.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	Sustainable built form
Strategy:	Develop a local planning framework to meet current and future community needs and legislative requirements.

Attachments

10.7.8 (a): Draft Policy P322 Exempt Land Use

10.7.9 Audit Register - Progress Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-20920
Meeting Date:	24 March 2020
Author(s):	Colin Cameron, Director Corporate Services
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report provides an update on the progress of actions included in the Audit Register. The Audit Register includes all (open) audit findings that have previously been accepted by the Committee. It is recommended the Committee review and accept the Audit Register Progress Report.

0320/045

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**; and
2. Approves the seven items marked as Completed (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The confidential Audit Register lists Internal and External audit findings, describes progress of implementing improvements and percentage completion. This report is prepared for noting the progress and completion of findings since the last meeting.

Comment

A summary of the Audit Register, included below, illustrates the trend of actions that have been added, progressed and completed. The row (blue) represents items added by this Committee. New Audit findings presented to the current meeting are included at the following meeting.

Status of actions	ARGC - Meeting Date								Total
	6/06/2018	11/09/2018	12/11/2018	11/03/2019	17/06/2019	9/09/2019	18/11/2019	16/03/2020	
New actions added by ARGC	10	24	0	24	0	0	0	27	85
Not yet commenced =>10%	10	0	0	4	1	0	0	4	
Progressed = 10% to 95%	0	32	13	18	9	10	3	19	
Completed = 100%	0	2	19	15	12	0	7	7	
Total (0% to 100%)	10	34	32	37	22	10	10	30	
Closed by ARGC	0	2	19	15	12	0	0	7	55
Total cum. Closed by ARGC	0	2	21	36	48	48	48	55	
Open Actions	10	32	13	22	10	10	10	30	

It is requested the Committee note the progress and officer comments. In addition, it is recommended all seven completed (100%) items in the Audit Register be registered as closed. All closed items will not form part of the Audit Register report for future meetings. The closed items are available for the Internal and External Auditors and Committee/Council to review.

It is requested to note the Audit Register in **Confidential Attachment (a)**.

Consultation

No external consultation has occurred.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulation 1996 (CEO's duties as to financial management) and Regulation 7 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2019/20 financial year and it is anticipated that a budget of a similar amount is to be adopted each year. Officers' effort to undertake the improvements and report on progress has not been estimated.

The External Audit function (WA Auditor General) has a budget of \$55,000 for the audit of the 2018/19 Financial Statements.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership
 Aspiration: A visionary and influential local government
 Outcome: Good governance
 Strategy: Empower effective and quality decision-making and governance

Attachments

10.7.9 (a): Audit Register March 2020 (*Confidential*)

10.7.10 Internal Audit - Facilities Management

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-20921
Meeting Date:	24 March 2020
Author(s):	Colin Cameron, Director Corporate Services
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report tables the Internal Audit report relating to Facilities Management, in accordance with the City's Strategic Internal Audit Plan.

This was the first review undertaken of Facilities Management and the report contains Paxon's detailed findings, listing seven recommendations and associated management comments.

The audit includes strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments. It is recommended that each issue (seven) be accepted, added to the City's Audit Register, with commentary on the progress of the resolution of issues to be reported at each Committee Meeting.

0320/046

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the Facilities Management report contained in **Confidential Attachment (a)**, and
2. Accepts all seven recommendations contained in Section 5 of the Internal Audit – Facilities Management be added to the Audit Register.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

An expanded background was provided at the previous Audit, Risk and Governance Committee (ARGC) meeting, being the first meeting following the 2019 elections. This report has been prepared for the ARGC to consider the next Internal Audit completed regarding Facilities Management.

For each Internal Audit completed, the reports are presented to the ARGC and then Council for acceptance of recommendations. Paxon attend the relevant ARGC meeting to respond to questions relating to the report. Management respond to Paxon's recommendations, in relation to their findings, and these are each listed on the Audit Register.

This report has been prepared for the Committee's consideration and recommendation to Council.

Comment

The Internal Audit Report – Facilities Management is a confidential report to be used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Internal Audit is an essential component of the City's continuous improvement process and findings are welcome. As many areas have never been audited before, it is likely that each Internal Audit may contain many findings. This is the first Internal Audit of the Buildings Maintenance which resulted in seven findings, six medium risk and one low risk. It is recommended that the ARGC accept each of these findings and that these are included in the Audit Register.

All items included in the Audit Register will be reported at each subsequent ARGC meeting, including information relating to the progress of implementing the Agreed Management Actions, a percentage complete indicator and officer comments. As these issues are implemented, a recommendation will be included to close the item. Closed items will no longer be reported in the Audit Register to the Committee, but will be accessible by the Internal and External Auditors to review compliance.

Consultation

No external consultation has been undertaken.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulations 1996 (CEO's duties as to financial management) and regulation 7 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function has a budget of \$40,000 for the 2019/20 financial year and it is anticipated that a budget of a similar amount is to be adopted each year.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

Attachments

10.7.10 (a): Internal Audit Report - Facilities Management (*Confidential*)

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Samantha Bradder for the period 22 April 2020 to 11 May 2020.

The Presiding Member called for a Motion to approve the Leave of Absence application.

0320/047

COUNCIL DECISION

Moved: Mayor Greg Milner

Seconded: Councillor Glenn Cridland

That Council approves the Leave of Absence application received from Councillor Samantha Bradder for the period 22 April 2020 to 11 May 2020, inclusive.

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - MAYOR GREG MILNER - AMENDMENT TO COUNCIL AGENDA BRIEFING COMMENCEMENT TIME

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-20-20890
Meeting Date:	24 March 2020
Author(s):	Toni Fry, Governance Coordinator
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

Mayor Greg Milner submitted the following Notice of Motion prior to the Council Agenda Briefing held 17 March 2020.

0320/048

COUNCIL DECISION

Moved: Mayor Greg Milner
Seconded: Councillor Blake D'Souza

That the scheduled time for Council Agenda Briefings be amended from 5.30pm to 6.00pm.

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

Prior to the Council Agenda Briefing of 17 March 2020, Mayor Greg Milner submitted a Notice of Motion to amend the scheduled time for Council Agenda Briefings from 5.30pm to 6.00pm. The reason given was that a number of Elected Members have indicated difficulties in getting to the Civic Centre by 5.30pm due to work commitments.

Comment

At its meeting held 27 August 2019, Council resolved by exception resolution in part as follows:

'That Council:

- 1. Endorses the Council meeting dates, times and places proposed for 2020 as detailed in Table (1) within this report.'*

12.1 Notice of Motion - Mayor Greg Milner - Amendment to Council Agenda Briefing Commencement Time

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996 an advertisement was placed in the Southern Gazette on 28 November 2019 advising the Community of the dates, times and place meetings are to be held in the next 12 months.

Consultation

If Council approves an amendment to the time, notifications will be placed on the public noticeboards and social media.

When requests for deputations are received Governance will advise of the new time when acknowledging the request.

Policy and Legislative Implications

Section 5.25(1)(g) of the *Local Government Act 1995*

Regulation 12 of the Local Government (Administration) Regulations 1996

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision making and governance

Attachments

Nil

12.2 NOTICE OF MOTION - MAYOR GREG MILNER - RESIGNATION FROM THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION SOUTH-EAST METROPOLITAN ZONE AND CITY OF SOUTH PERTH PUBLIC ART ADVISORY GROUP

Location: Not Applicable
Ward: Not Applicable
Applicant: Not Applicable
File Ref: D-20-20892
Meeting Date: 24 March 2020
Author(s): Toni Fry, Governance Coordinator
Reporting Officer(s): Geoff Glass, Chief Executive Officer
Strategic Direction: Leadership: A visionary and influential local government
Council Strategy: 4.3 Good Governance

Summary

Mayor Greg Milner submitted the following Notice of Motion prior to the Council Agenda Briefing held 17 March 2020.

0320/049

COUNCIL DECISION

Moved: Mayor Greg Milner
Seconded: Councillor André Brender-A-Brandis

1. That Council notes I resign as delegate of the Western Australian Local Government Association South-East Metropolitan Zone.
2. That Councillor Samantha Bradder be appointed as delegate to the Western Australian Local Government Association South-East Metropolitan Zone for the period 25 March 2020 to 16 October 2021.
3. That Council notes I resign as delegate from the City of South Perth Public Art Advisory Group.
4. That Councillor Samantha Bradder be appointed as delegate to the City of South Perth Public Art Advisory Group for the period 25 March 2020 to 16 October 2021.

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

Prior to the Council Agenda Briefing of 17 March 2020, Mayor Greg Milner submitted a Notice of Motion advising of his intention to resign as delegate from the Western Australian Local Government Association South-East Metropolitan Zone and the City of South Perth Public Art Advisory Group. The reasons provided were as follows:

- ‘1. *I have decided to resign as delegate of the Western Australian Local Government Association South-East Metropolitan Zone and Councillor Samantha Bradder has kindly advised she would be willing to take up the position alongside Councillor Carl Celedin.*
2. *I have decided to resign as delegate to the City of South Perth Public Art Advisory Group and Councillor Samantha Bradder has kindly advised she would be willing to take up the position alongside Councillor André Brender-A-Brandis.’*

At the Special Council Meeting held 22 October 2019, Council resolved the following two items in part as follows:

‘7.4.6 *Western Australian Local Government Association South-East Metropolitan Zone*

That Council appoints the following members to the Western Australian Local Government Association South-East Metropolitan Zone for the period 22 October 2019 to 16 October 2021.

- Delegates:*
1. *Mayor Greg Milner*
 2. *Councillor Carl Celedin’*

‘7.4.10 *City of South Perth Public Art Advisory Group*

That Council appoints the following Councillors to the City of South Perth Public Art Advisory Group for the period 22 October 2019 to 16 October 2021:

1. *Mayor Greg Milner*
2. *Councillor André Brender-A-Brandis’*

Comment

Western Australian Local Government Association South-East Metropolitan Zone

The Western Australian Local Government Association (WALGA) is the single association for Local Governments in WA, representing the political and strategic interests of Local Government at State and Federal levels. The WALGA South East Metropolitan Zone Committee provides input to the Western Australian Local Government Association State Council on issues relating to Local Government affecting members of the Local Government Association.

The WALGA South East Metropolitan Zone is comprised of representatives of the following Local Governments:

- City of Armadale
- City of Canning
- City of Gosnells
- City of South Perth
- Town of Victoria Park

12.2 Notice of Motion - Mayor Greg Milner - Resignation from the Western Australian Local Government Association South-East Metropolitan Zone and City of South Perth Public Art Advisory Group

Meetings are held bi-monthly on a Wednesday commencing at 6.00pm, and are rotated between the Chambers of each of the member local governments. The meeting dates for 2020 are as follows:

29 April 2020 – City of Canning

24 June 2020 – City of Gosnells

26 August 2020 – City of South Perth

25 November 2020 – Town of Victoria Park

No additional fees or allowances are paid to representatives on the Western Australian Local Government Association South-East Metropolitan Zone.

City of South Perth Public Art Advisory Group

The purpose of the City of South Perth Public Art Advisory Group (PAAG) is to:

1. Provide advice on matters relating to the review, development and implementation of the Public Art Strategy and related policies.
2. Assist in the creation of opportunities for a diverse range of public art.
3. Provide advice and recommendations on artwork concept designs that result from either Policy P101 Public Art, or Policy P316 Developer Contribution for Public Art and Public Art Spaces.
4. Provide recommendations to Council on City initiated public art projects resulting from P101 which are procured through a tender and are over \$150,000 in value.

The PAAG meets quarterly and meetings are generally held in the months of March, May, August and November. The next meeting is scheduled to be held 7 May 2020.

No additional fees or allowances are paid to representatives on the City of South Perth Public Art Advisory Group.

Consultation

City officers will notify the Western Australian Local Government Association South-East Metropolitan Zone Liaison and Governance Support Officer and the Public Art Advisory Group of Council's decision.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

- 12.2 Notice of Motion - Mayor Greg Milner - Resignation from the Western Australian Local Government Association South-East Metropolitan Zone and City of South Perth Public Art Advisory Group

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision making and governance

Attachments

Nil

Councillor Blake D'Souza departed the Chamber at 9.12pm and returned at 9.13pm during consideration of this Item.

12.3 NOTICE OF MOTION - COUNCILLOR STEPHEN RUSSELL - IMPROVEMENTS TO COMMUNITY NOTIFICATIONS PROCESSES OF DEVELOPMENT APPLICATIONS TO BE CONSIDERED BY THE DEVELOPMENT ASSESSMENT PANEL

Location: Not Applicable
Ward: Not Applicable
Applicant: Not Applicable
File Ref: D-20-20894
Meeting Date: 24 March 2020
Author(s): Fiona Mullen, Manager Development Services
Reporting Officer(s): Vicki Lummer, Director Development and Community Services
Strategic Direction: Leadership: A visionary and influential local government
Council Strategy: 4.1 Engaged Community

Summary

Councillor Stephen Russell submitted the following Notice of Motion prior to the Council Agenda Briefing held 17 March 2020.

Notice of Motion Recommendation

Moved: Councillor Stephen Russell

Seconded: Councillor Ken Manolas

That the Council request the CEO to report to Council, a proposal to address the limitations which currently exist in the process to notify and maintain this advice to the community, of Development Applications (DA) that are to be determined by the Development Assessment Panel (DAP).

As a minimum the proposal shall include the following:

1. All Public Notices (PN) including letters of consultation relating to DA's, to be considered by the JDAP to include as a minimum the City's DA reference number and when it becomes available the JDAP's reference number.
2. The implementation of specific webpages for DAP considered DA's which shall as a minimum provide (a) details and status of the DA's currently under DAP jurisdiction (b) http link to the DAP agenda webpage (c) http link to the City's "Have Your Say - Major Development Applications and Local Development Plans" webpage that provides all information in relation to development applications and (d) listings of determined DA's and applicable http links to the minutes of meeting.
3. That the City publishes RAR's (initial and subsequent revisions) onto said webpages 5 days prior to the City issuing the same RAR's to the DAP Secretariat i.e. the DAP Secretariat receives the RAR's on the 6th day. Upon RAR publication on said webpages the City shall immediately notify the community of RAR availability via PNs and correspondence with all submission makers.

LOST (4/4)

For: Councillors Mary Choy, Blake D’Souza, Ken Manolas, Stephen Russell.

Against: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Glenn Cridland.

Casting Vote Against: Mayor Greg Milner

During debate Councillor Carl Celedin foreshadowed the following Suggested Alternative Recommendation.

0320/050

Suggested Alternative Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin
Seconded: Councillor Glenn Cridland

That Council requests the Chief Executive Officer to take the following actions to address the limitations which currently exist in the notification process to the community of Development Applications (DA’s) that are to be determined by the Joint Development Assessment Panel (JDAP):

1. All forms of public consultation (including Public Notices) relating to DA’s which are to be considered by the JDAP include as a minimum the City’s DA reference number and the JDAP’s reference number.
2. The implementation of a specific webpage for DA’s to be determined by the JDAP which shall as a minimum provide links to where the application may be viewed on the Council’s website and hyperlinks to the full suite of information (including meeting dates, past and current agendas and information pertaining to the operation of DAP’s) which is currently available on the State Government DAP website, and
3. A letter is sent to the Minister for Transport; Planning to highlight the limited time available for the community to prepare deputations, and request that the timeframe in relation to the publication of RAR’s on the JDAP website be extended to 10 days.

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D’Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

Councillor Stephen Russell has submitted a Notice of Motion regarding improvements to community notification processes of development applications to be considered by the Development Assessment Panel (DAP). The reasons given are:

The City of South Perth community is currently and will into the foreseeable future, continually see DA's come before the DAP for determination. The number and complexity of these DA's will very likely increase with the implementation of the Local Planning Strategy (LPS), the South Perth Activity Centre Plan (SPACP) and the Canning Bridge Activity Centre Plan (CBACP).

The City's administration, as the Relevant Authority, is responsible to perform the advertisement, referral to third parties, assessment and make recommendations of a DA. This work is documented within the Relevant Authority Report (RAR) and is delivered to the DAP within a fixed period post the DAP Secretariat acknowledging receipt of a DA. Upon receipt of the RAR, the DAP Secretariat must thereafter publish an Agenda, with the itemised DA, on the Department of Planning, Lands and Heritage Website at least 7 days prior to the meeting. This process is detailed in:

<https://www.dplh.wa.gov.au/getmedia/c9a9fafc-c9ad-49e2-a512-f6ccc64be780/DAP-Flowchart>

Upon the Agenda publishment, the City notifies the community of an upcoming DAP assessment meeting by issuing a PN on the City's website and correspondence with all submission makers. The PN provides basic information such as DA details (location, short description, owner & applicant), DAP meeting details and URL links to the DAP's website for Agendas/Minutes and the DAPs template for Deputation Request Forms. It should be noted that the PN does not provide neither the DAP nor the City's DA reference number and is the only advice available to the general community of an upcoming DAP assessment meeting. The latter points are significant as once the PN moves off the City's website front page, then the only and easily observable notification is lost, which therefore requires the community to search past PNs or the DAPs website. From first-hand experience neither search is easy considering the DAP reference number is unknown and the community is unaware when the RAR has been issued to the DAP Secretariat.

*When the community is aware of an upcoming DAP meeting then if a deputation is to be presented, then the aforementioned Deputation Request Form must be completed and submitted no later than 3 days prior to the DAP meeting. Over the period Jan 2019 to Jan 2020 all DAP meeting dates with their respective PN dates are provided in **Attachment (a)**. When considering the 3 day deputation submission period, then the deputation preparation period can be determined, also shown in **Attachment (a)**. It can be seen that this preparation period varies between 2 days to 9 days with an average of 5 days.*

Hence in their own personnel time the community needs to review & understand a RAR, determine For or Against argument points, prepare a deputation with supporting Powerpoint slides (if necessary) and complete the Deputation Request Form, all within an average period of 5 days. This is a challenging task in itself, now imagine when the preparation period is only 2 days; a very stressful task!

This needs to be compared to the Applicant and its agents, whom are very likely to prepare deputations during business hours, are paid for their time and are fully informed of the latest details of the DA. The latter point is particularly noteworthy as the City and the Applicant are in continuous dialogue post DA submission. As the community is not part of this ongoing dialogue then it can be argued that they are already at a disadvantage upon the RAR release.

In addition, I would suggest that DAP members place great emphasis on the recommendation of the City with its supporting assessment when considering their determination. This recommendation and supporting assessment is only reported within the RAR and therefore it is crucial that the community be given ample opportunity to understand the City's judgement when formulating their own For or Against arguments. Ample opportunity is not a result of the current system.

It must be noted that the limited time for deputation preparation is not the result of the City process but rather a result of the DAP process. Nevertheless, from the above points it is obvious that the current community notification process results in an unsatisfactory environment for the community. This needs to be addressed considering the increased number and complexity of DAP determined DA's the community will see in the future. The implementation of the aforementioned changes will go towards addressing such.

Comment

DAP's were introduced to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge. Development applications that meet a set type and value threshold are determined through this process. By their very nature, this typically includes larger, more complex development proposals. The State Government provides a significant level of information via the dedicated development assessment panel's website which includes meeting agendas. The City acknowledges that assisting the community's involvement in this assessment process is of paramount importance; and where shortcomings in this process are identified, will seek to provide clarification and a greater level of understanding.

There are a number of statutory timeframes which the City must adhere to in the assessment of development applications under the provisions of the *Planning and Development (Development Assessment Panels) Regulations 2011* (the Regulations). Whilst the communication process may be improved, there are limitations in respect of the assessment process of typically very complex development proposals, which preclude the implementation of recommendation 3 of the notice of motion.

For these reasons an alternative recommendation that will achieve the intent of the original notice of motion is recommended.

Reason for Alternative Recommendation

With regard to point 1 of the recommendation, whilst the DA reference number is currently included in consultation letters, officers are already in the process of re-formatting such communication to more clearly identify this reference, together with adding the JDAP reference number. It is acknowledged that whilst the Public Notice on the City's website provides a direct link to the DAP website, neither the City's reference number nor the JDAP reference number is included which is a shortcoming in assisting the community.

Referring to point 2 of the recommendation, it is not the City's current practice to replicate information held on another authority's websites (in this case the State Government), as this may lead to confusion. It is noted that a small number of other local authorities provide such information with links to the State Government website. An additional webpage may therefore be created in-house that provides basic information as to the role and processes associated with the JDAP, together with links to the official DAP website.

The third recommendation, whilst proposed for sound reasons is unachievable. The City has between 48 and 78 days to provide a Responsible Authority Report (RAR). Given the complexity of information to be assessed (which involves an assessment of the proposal against the statutory framework, consideration of statutory consultation responses and submissions, and potential meetings with applicants) the maximum assessment period available is always utilised.

Publishing a draft RAR five days before submission to the JDAP Secretariat, would therefore necessitate an extension of time request (extension of time in which to submit a RAR) under regulation 12(4) of the Regulations. This request must be agreed by the applicant and also the DAP presiding member. It is considered likely that neither would agree to the request for the reason of extending the time for the public to review the report.

It should also be noted that regulation 39 of the Regulations requires the JDAP Secretariat to publish the RAR as part of the agenda on the DAP website seven ordinary days before each DAP meeting, and this information is publically and readily available. Therefore if members of the community regularly check the DAP website they will have the full 7 days to consider the information in the RAR and then request a deputation.

Further, a DAP deputation request form is a reasonably easy form to complete and generally accepted with a few words describing the deputation content. The community member making the deputation then has at least one more day to prepare any power point or detail before the meeting.

The City's current practice in notifying the community once a meeting is confirmed is as follows.

- Approximately 10 days prior to the RAR due date, the JDAP Secretariat contacts the City to arrange a time/date for the JDAP meeting. This allows the administration to prepare draft letters and the Public Notice.
- Upon receipt of the RAR, the JDAP secretariat sends a finalised agenda to the City and a request for the publication of the Public Notice on the City's website.
- The same day the City send letters and/or emails to all submitters (which contains a hyperlink to the JDAP agenda).

Attachment (a) indicates in the first column the date on which the Public Notice was published on the City's website (not the date on which the JDAP published the agenda), and the second column the date of the JDAP meeting. In all instances, the RAR was published on the JDAP website a minimum of 7 days prior to the JDAP meeting.

12.3 Notice of Motion - Councillor Stephen Russell - Improvements to Community Notifications Processes of Development Applications to be considered by the Development Assessment Panel

Consultation

Not applicable

Policy and Legislative Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government.
Outcome:	Engaged community
Strategy:	Be agile to stakeholder, community and customer needs

Attachments

12.3 (a): Public Notice Dates

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS

- Councillor Blake D'Souza

The question and response can be found in the **Appendix** of these Minutes.

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

15. MEETING CLOSED TO THE PUBLIC

The Chief Executive Officer advises that there is a matter for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the *Local Government Act 1995*.

0320/051

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That the following Agenda Item be considered in closed session, in accordance with s5.23(2) of the *Local Government Act 1995*:

- Item 15.1.1 Burch Street Carpark

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

The meeting was closed to the public at 9.49pm.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Councillor Ken Manolas disclosed an Impartiality Interest in relation to the following Item as he accepted a \$273.00 gift from the South Perth Hospital for himself and his partner to attend their Christmas Dinner in 2019.

Mayor Greg Milner disclosed an Impartiality Interest in relation to the following Item as he accepted a \$273.00 gift from the South Perth Hospital for himself and his partner to attend their Christmas Dinner in 2019.

Councillor Glenn Cridland disclosed an Impartiality Interest in relation to the following Item as he accepted a \$200.00 gift from the South Perth Hospital for himself and his partner to attend their Christmas Dinner in 2017.

Councillor Mary Choy disclosed an Impartiality Interest in relation to the following Item as a doctor who works near the carpark at the local South Perth Hospital is known to her.

15.1.1 Burch Street Carpark

*This item is considered **confidential** in accordance with section 5.23(2)(c) of the Local Government Act 1995 as it contains information relating to "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting"*

Location: South Perth
Ward: Como Ward
Applicant: Not Applicable
File Ref: D-20-20895
Meeting Date: 24 March 2020
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Geoff Glass, Chief Executive Officer
Strategic Direction: Economy: A thriving City activated by innovation, attractions and opportunities
Council Strategy: 2.2 Activated Places

0320/052

Alternative Recommendation AND COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Councillor Carl Celedin

That the item relating to the Burch Street Carpark be referred back to the Property Committee for further consideration.

Reasons for Change

A number of other options were discussed at the Council Agenda briefing which require further deliberation.

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Officer and Committee Recommendation

That the Property Committee recommends to Council that Option 2 be developed and a further report, including a detailed financial analysis and a recommended commercial implementation strategy, be presented to a future Property Committee.

0320/053

COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Mayor Greg Milner

That the meeting be reopened to the public.

CARRIED (8/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

The Council Chamber was reopened at 9.51pm.

Councillor Stephen Russell left the Chamber at 9.51pm and did not return.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.52pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 24 MARCH 2020

1. Mr Ken McIntosh of Hensman Park Tennis Club, Anstey Street South Perth Received: 23 March 2020	Responses provided by: Vicki Lummer, Director Development and Community Services
<p>1. With the large amount of high rise and high density redevelopments occurring in the North West part of South Perth there will be a significant increase in demand for high quality recreation facilities and organisations that provide these services in partnership with the City. So that Hensman Park Tennis Club can continue to grow and improve provision of tennis and other recreation services and facilities, to its members and the whole community, will the City of South Perth provide security of tenure and improved certainty for future planning by way of a 21 year lease?</p>	<p>The lease conditions for the Hensman Park Tennis Club are subject to Council's determination as stated in Item 10.7.3 of the OCM Agenda dated 24 March 2020. The City (and Property Committee) recommendation is for the development of a lease with the Club for a 21 year term, being the maximum period that can be granted subject to the approval of the Minister for Lands. The site has been leased by the Club for a long time (since 1986) and the Club maintains a positive working relationship with the City, including there being no outstanding breaches of the previous lease.</p> <p>The City has also recently completed the development of a Community Recreation Facilities Plan which provides a strategic framework to guide decision-making about its community recreation facilities over the next 15 years. This Plan was endorsed by Council in July 2019 and includes a range of proposed community recreation facility enhancement projects, such as for Hensman Park Tennis Club facilities.</p> <p>In addition, the City is proposing to undertake a Hensman Park Masterplan project in the near future that considers redevelopment options at the site to accommodate Hensman Park Tennis Club, Hensman Kindy and other suitable groups (see Item 10.1.1 of the OCM Agenda dated 24 March 2020).</p>

	<p>In summary, the recommendation to enter into a long term tenure (21 years) with the Hensman Park Tennis Club is compatible with the Community Recreation Facilities Plan and the proposed Hensman Park Masterplan project; and is consistent with the tenure offered to comparable local sporting clubs.</p>
<p>2. The South Perth Bowling Club has a 21 year lease from the City of South Perth and the Manning Bowling Club is seeking a 21 year lease. Hensman Park Tennis Club is similar to the Bowling Clubs, in that we have a long history and are well established and stable Clubs that provide services and activities to Members and the general public. Will the City of South Perth implement a consistent policy of 21 Year leases for long standing, well established and stable organisations? It is noted that the Clause 14.18 of the proposed 21 year lease provides for early termination of the lease (in the unlikely event it is needed) and also redevelopment of facilities.</p>	<p>The City has an existing policy 'P609 Management of City Property' that provides guidance on lease and licence agreements. In particular, P609 lists seven criteria that will be considered to assess the usage and potential leasing (including recommended tenure) for local community facilities, namely:</p> <ul style="list-style-type: none"> • Community benefit assessment; • Alignment and contribution of the property towards to the achievement of the Council's strategic objectives; • Assessment of present utilisation of asset; • Consideration of potential opportunities for future utilisation the asset; • Determine capacity for City to properly maintain and manage the property; • Consideration of statutory influences and heritage / conservation value; and • Consideration of financial return to the Council. <p>In addition, 'Delegation DC609 – Leases and Licences' provides guidance on the recommended tenure periods for lease agreements. In particular, DC609 makes provision for leases with sporting organisations for a 21 year period.</p> <p>In summary, the recommendation to enter into a long term tenure (21 years) with the Hensman Park Tennis Club is compatible with the provisions of Policy 609 and Delegation 609.</p>

<p>3. How will the City of South Perth assist Hensman Park to celebrate its 100 years in 2025? In partnership with the City, Club members are willing to contribute significant funds to improvement to facilities at the Club, for members and community benefit – consistent with the proposed Master Planning process. It would be tremendous if the improvements at Hensman Park could be ready for opening in 2025, by the Mayor. However Members are reluctant to commit to fund raising efforts unless the Club has a long term lease, such as 21 years. Can part of the ongoing partnership be the City of South Perth granting a 21 year lease to the Club?</p>	<p>The upcoming 100th year anniversary celebration for the Hensman Park Tennis Club is a significant milestone. To date no formal submission has been made to the City to request assistance for the Club's 100th anniversary. If a future request is made, the City would consider the submission at that time on its merits, as part of the City's annual budget setting process.</p> <p>In terms of a future redevelopment of Hensman Park Tennis Club, this would be subject to a range of factors, including (but not limited to):</p> <ul style="list-style-type: none"> • Council's strategic priorities (e.g. project compatibility with the City's Strategic Community Plan and Community Recreation Facilities Plan etc.) • Outcomes of the Hensman Park Masterplan project • Financial contributions from the Club and associated project stakeholders • Potential to source external project funding • City Budget funds available etc.
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<p>2. Dr Sarah Schladow, Garden Street South Perth Received: 22 March 2020</p>	<p>Responses provided by: Vicki Lummer, Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <ol style="list-style-type: none"> <i>Many residents seem to be opposed to the proposal continuing in the current form of Council Agenda Item 10.0.1 (motion, March 2020) – now temporarily withdrawn/postponed.</i> <i>Many residents have not yet had input into (or had their input considered in) this proposal.</i> <i>There appear to be some gaps/ambiguities in the prior information/schema provided for residents.</i> <i>Councillors thus need to hear residents’ (unhindered) concerns, and make a public, informed decision/vote on the proposals in tandem with those concerns.</i> 	
<ol style="list-style-type: none"> <p>To reassure the community that the latter (item 4) will occur without any impediment, would the City please confirm that:</p> <p>Draft [modified] Local Planning Strategy and Town Planning Scheme No. 7 will not proceed in any way, nor further funds be expended, until this matter is brought before an open, regular meeting of Council at which residents can present their concerns, deputations etc. on the postponed motion?</p> <p>To clarify the terms of this question: ‘non-procedure’ of Draft LPS & TPS7 also includes that the above Draft proposal will not be forwarded to State government for any approval - or for any other reason - until after that Council meeting with public questions has taken place.</p> <p>If the city will not confirm &/or will not halt these procedures would the City please explain why - for the Community and the record.</p> 	<p>The Draft Local Planning Strategy involved extensive community involvement over a three month period during its preparation in 2018. Formal consultation was then carried out over a further three months during 2019. Every household in the City was invited to have their say via direct mail notice (about 28,000 in total), amongst other notifications such as the Peninsula magazine, e-News and public displays.</p> <p>During the formal consultation period, all information about the project was available and there were various opportunities for stakeholders to seek clarification about elements of the Strategy.</p> <p>Stakeholders will be advised when the Draft Strategy will be considered by Council again in the future. Until the Draft Strategy is adopted by Council it will not be forwarded to the State government for determination.</p>

[Preamble]

I have some concerns about the City's treatment and effective dismissal of the Petition (of ~970 signatures) presented by Cr Manolas on my behalf in November 2019. An additional ~40 signatures were forwarded by Cr Manolas on my behalf (to Bernadine Tucker) in December 2019.

It appears that the City has acknowledged only 971 (unverified) signatures - not the full total of over 1000 signatures presented (see Outcomes of Consultation & Proposed Modifications to the CoSP Local Planning Strategy p8)

To my knowledge, all signatories provided verifiable addresses and signatures:

2. Why, then, have 971 signatures been classified as 'unverified' (in Outcomes of Consultation p8), despite providing signatures & verifiable addresses, and the further 40 signatures simply ignored - that is, all signatories thus effectively dismissed, both as part of community concern/consultation and in drafting the (now postponed) Draft motion 10.0.1?

The classification of the petition reflects the minutes of the Council meeting of 26 November 2019 (refer Item 8.1), which outlines that a petition, together with 971 unverified signatures regarding the Draft Local Planning Strategy was received. At this time, the number of signatures were counted on the petition which totalled 971 and they were considered unverified, meaning that the signatures had not yet been verified against the City of South Perth electoral roll. In accordance with Clause 6.9 Petitions of the City of South Perth Standing Orders Local Law 2007 a petition must be made by *electors* of the district. Since that time, the signatures from the original petition along with the additional signatures submitted, were verified and the number of verified electors on the petition totalled 714.

The report on this item (now withdrawn) was to consider the outcomes of the formal consultation relating to the Draft Strategy. The petition was received by the City four months after the conclusion of the formal consultation period and after Council's consideration of the matter in September 2019. The petition has been appropriately received by the City, however it does not form part of the analysis of the formal consultation outcomes on the Draft Strategy for that reason.

<p>3. Mr Sam Parr, Hobbs Avenue Como.</p> <p>Received: 23 March 2020</p>	<p>Responses provided by: Vicki Lummer, Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>Neighbourhood noise information as per City of South Perth webpage; Neighbourhood Noise. Noise can disrupt a person's life, causing a lack of sleep and unnecessary stress. Noise is considered unreasonable if it interferes directly or indirectly with the health, welfare, convenience, or comfort of any person in any premises. Under the Environmental Protection Act 1986 it is an offence to create unreasonable noise. The Environmental Protection (Noise) Regulations 1997 adopted under the Act allow for maximum levels of noise at certain times of the day and night. Unreasonable noise is considered unreasonable if the allowable levels in the Regulations are exceeded or if it is deemed by an Authorised Officer to interfere directly or indirectly with the health, welfare, convenience, or comfort of any person in any premises. Under the Act it is an offence to create unreasonable noise. Loud noises late at night or very early in the morning are likely to impact more on neighbours than noise during the day. As a guide, noise which is clearly audible at the boundary of a property may cause a disturbance and exceed the allowable noise levels. The City's Environmental Health Officers are authorised under the Act and play a key role in managing environmental noise pollution issues.</i></p>	
<p>1. When are we going to receive a proper acoustic report, which will include trucks driving up a 1.2m ramp?</p>	<p>Refer to the response to question 2 from Mr Parr at the 25 February 2020 Ordinary Council Meeting.</p>
<p>2. How is a 2.4m high acoustic wall going to prevent unreasonable noise and fumes as per the City of South Perth neighbourhood noise guidelines?</p>	<p>Refer to the response to question 2 from Mr Parr at the 17 December 2019 Ordinary Council Meeting.</p>
<p>3. Is there a site management plan in place, if so why is the site not secure, what is being done regarding the graffiti occurring on the fences; as well as dust suppression on the vacant site as our houses are being filled with dust?</p>	<p>A Construction Management Plan has been submitted to and approved by the City (in accordance with Condition 5 of the development approval) and this references site security and dust suppression, however this relates to the construction stage of the development.</p> <p>Following receipt of your questions, Officers contacted the applicant yesterday and advised of the issues raised, however if you are experiencing issues with dust, please provide evidence to the Environmental Health team who will investigate under the City's Health Local Laws.</p>

<p>4. Mr Stephen Winter, Coode Street Como. Received: 23 March 2020</p>	<p>Questions One and Two - responses provided by: Vicki Lummer, Director Development and Community Services</p> <p>Question Three – response provided by: Mayor Greg Milner</p>
<p><i>[Preamble]</i></p> <p><i>Scheme Amendment 63 is aimed at re-zoning Preston Street to allow for major development, including, but not limited to, tower construction up to 13 storeys. The impact of this development, were it to go ahead, would be substantial upon the physical and social environment, both on the site, and in the surrounding area. The Council's invitation for feedback on the proposal was as a matter of course sent out only to those mailboxes within 150 metres of the project site, with any further distribution at the discretion of the city officers concerned, and even then only up to 300 metres. Signage on the site was inadequately placed. Other means undertaken by council to disseminate information were clearly inadequate. There were, right up to the end of the consultation period, residents who knew little if anything of the proposal. There may still be some. At the council meeting of 15th October the ten minutes devoted to discussion on this proposal included addressing a late amendment from the chair that discarded the majority of the professional recommendations of the city's planning officers, and yet there was in those ten minutes no mention at all of the nature of those recommendations to be discarded.</i></p>	
<p>1. Given all the above, have council members to this day ensured a sufficient level of community acquaintance, let alone consultation, regarding the proposal?</p>	<p>Community acquaintance with the proposal to consider changes to the Preston Street area commenced as part of the 'Preston Street Revival' project initiated by Australian Property Collective in 2018. According to the 'Preston Street Place Blueprint' prepared and submitted as part of the proposed amendment, the Preston Street Revival engagement process attracted 104 submissions and over 60 attendees to a 'Place Visioning' workshop and over 40 attendees to a 'Vision and Design' workshop.</p> <p>The formal public consultation on the proposed amendment, undertaken by the City, has been extensive and resulted in over 270 detailed submissions. The results of the consultation will be reported to Council in the future.</p> <p>Over 1,200 direct mail notices were sent to people within 150 metres of the amendment site consistent with the City's P301 – Community Engagement on Planning Proposals. This was extended to capture the entirety of surrounding street blocks, meaning in some instances this distance was near to 300 metres.</p>

	<p>Stakeholders were also invited to comment on the amendment in the following ways:</p> <ul style="list-style-type: none"> • The placement of three signs at the boundary of both Site 'S' and Site 'R', on both Preston Street and Eric Street; • Public notice in the Southern Gazette on 16 January 2020 and 6 February 2020; • eNewsletter article sent on January 15 and 11 March 2020 to 8,000 recipients; • Five posts on the City's Facebook page with a combined post reach of at least 8,900 accounts; • Articles in the Peninsula Snapshot full-page advertisement on 30 January and 3 March 2020; • Three community drop-in sessions including a session on Preston Street, attended by approximately 140 people in total. <p>The community interest in the proposal has been substantial, which is in part due to the activities above.</p>
2. Given all the above, have council members given sufficient consideration to the matters that were before them that evening?	The decision of Council at its meeting of 15 October 2019 was supported by an extensive officer's report and earlier Agenda Briefing meeting on 8 October 2019. This report and the supporting attachments give sufficient, publically available, information about the potential implications of the amendment.
3. Given all the above, and the growing body of residents in and using the Preston Street neighbourhood opposed to what is being proposed as amended, will council members resolve to review this matter as a matter of urgency?	A further report will be presented to Council in the future discussing the outcomes of the public consultation. This report will also advise Council on all relevant elements of the amendment and make a recommendation as to whether the amendment should be supported, not supported or modified.

QUESTIONS FROM MEMBERS: 24 MARCH 2020

Councillor Blake D'Souza	Response provided by: Vicki Lummer, Director Development and Community Services
1. Will 'Zoom' software be used for upcoming Development Assessment Panel meetings?	You will need to clarify this with the DAP Secretariat.

DISCLAIMER

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 28 April 2020

Signed _____ / /2020
Presiding Member at the meeting at which the Minutes were confirmed